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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Mandy Palmucci,

Plaintiff,

-against-

TWITTER, INC., GOOGLE
LLC, and FACEBOOK, INC.

Defendants.

CASE NO: 3:18-cv-03947-WHO

HON: William H. Orrick

**FIRST AMENDED COMPLAINT FOR
DAMAGES FOR:**

1. LIABILITY FOR AIDING AND ABETTING ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)
2. LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)
3. PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339a AND 18 U.S.C. § 2333
4. PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)
5. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
6. CONCEALMENT OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339C(c) AND 18 U.S.C. § 2333(a)
7. PROVISION OF FUNDS, GOODS, OR SERVICES TO OR FOR THE BENEFIT OF SPECIALLY DESIGNATED GLOBAL TERRORISTS IN VIOLATION OF EXECUTIVE ORDER NO. 13224, 31 C.F.R. Part 594, 50 U.S.C. § 1705, AND 18 U.S.C. § 2333(a)

JURY TRIAL DEMANDED

1 NOW COMES Plaintiff, by and through her attorneys, and allege the following against
2 Defendants Twitter, Inc., Google LLC, and Facebook, Inc. (“Defendants”):

3 **NATURE OF ACTION**

4 1. This is an action for damages against Twitter, Google, and Facebook pursuant to the
5 Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of
6 Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly
7 providing support and resources to ISIS, the notorious designated foreign terrorist organization that
8 carried out the November 13, 2015 terrorist attack in Paris that murdered 130 individuals and injured
9 more than 400, including Mandy Palmucci.

11 2. The ATA’s civil remedies have served as an important means for enforcing the
12 federal criminal anti-terrorism provisions since the early 1990s.

13 3. Congress enacted the ATA in October 1992 as a legal complement to criminal
14 penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil
15 provisions would not only provide a mechanism for compensating victims of terror but also serve
16 as an important means of depriving terrorists of financial resources to carry out attacks.

18 4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in
19 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September 1994,
20 making it a crime to provide material support or resources knowing or intending that they will be
21 used in preparing or carrying out terrorist acts.

22 5. In April 1996, Congress further expanded the effort to cut off resources to terrorists
23 by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or
24 resources to a designated foreign terrorist organization.

26 6. In the wake of the terror attacks on the United States by *al-Qaeda* of September 11,
27 2001 killing nearly 3,000 Americans, Congress amended the “material support” statutes, 18 U.S.C.

1 §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism
 2 Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to
 3 expand the definition of “material support or resources” prohibited thereby.

4 7. In September 2016, Congress amended the ATA’s civil provisions to recognize
 5 causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan,
 6 prepare, or carry out acts of international terrorism. The Justice Against Sponsors of Terrorism Act
 7 (“JASTA”), Public Law No: 114-222 (09/28/2016) states in relevant part:

8
 9 Purpose.--The purpose of this Act is to provide civil litigants with the
 10 broadest possible basis, consistent with the Constitution of the United
 11 States, to seek relief against persons, entities, and foreign countries,
 12 wherever acting and wherever they may be found, that have provided
 material support, directly or indirectly, to foreign organizations or persons
 that engage in terrorist activities against the United States.
 (JASTA 2(b))

13 8. The terror attacks in this case were carried out by ISIS, a terrorist organization for
 14 years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and
 15 extreme.
 16

17 9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The
 18 Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated
 19 Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act,
 20 8 U.S.C. § 1189 (“INI”), since October 2004.

21 10. By the time of the terror attacks in this case, ISIS had become one of the largest and
 22 most widely-recognized and feared terrorist organizations in the world.
 23

24 11. The expansion and success of ISIS is in large part due to its use of the Defendants’
 25 social media platforms to promote and carry out its terrorist activities.

26 12. For years, Defendants have knowingly and recklessly provided the terrorist group
 27 ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising
 28

1 funds, and attracting new recruits. This material support has been instrumental to the rise of
2 ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including
3 the November 13, 2015 Paris terror attacks where 130 people were killed, and more than 400 people
4 were seriously injured, including Mandy Palmucci.

5 13. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive
6 growth of ISIS over the last few years into the most feared terrorist group in the world would not
7 have been possible. According to the Brookings Institution, ISIS “has exploited social media,
8 most notoriously Twitter, to send its propaganda and messaging out to the world and to draw in
9 people vulnerable to radicalization.”¹ Using Defendants’ sites, “ISIS has been able to exert an
10 outsized impact on how the world perceives it, by disseminating images of graphic violence
11 (including the beheading of Western journalists and aid workers) . . . while using social media to
12 attract new recruits and inspire lone actor attacks.” According to former FBI Director James
13 Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale individual attacks,
14 “to crowdsource terrorism” and “to sell murder.”
15
16

17 14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an
18 astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These
19 official accounts included media outlets, regional hubs and well-known ISIS members, some with
20 tens of thousands of followers. For example, Al-Furqan, ISIS’s official media wing responsible for
21 producing ISIS’s multimedia propaganda, maintained a dedicated Twitter page where it posted
22 messages from ISIS leadership as well as videos and images of beheadings and other brutal forms
23 of executions to 19,000 followers.
24
25

26
27 ¹ <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>
28

15. Likewise, Al-Hayat Media Center, ISIS's official public relations group, maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.



Figure 1 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS Recruitment Video

16. Another Twitter account, @ISIS_Media_Hub, had 8,954 followers as of September 2014.



Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub

17. As of December 2014, ISIS had an estimated 70,000 Twitter accounts, at least 79 of which were "official," and it posted at least 90 tweets every minute.

18. As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.

1 19. ISIS, in particular, embraced and used Defendants' platforms and services as a
2 powerful tool for terrorism.

3 20. Defendants' media platforms and services provide tremendous utility and value to
4 ISIS as tools to connect its members and to facilitate the terrorist group's ability to communicate,
5 recruit members, plan and carry out attacks, and strike fear in its enemies.

6 21. Defendants' services have played a uniquely essential role in the development of
7 ISIS's image, its success in recruiting members from around the world, and its ability to carry out
8 attacks and intimidate its enemies.

9 22. For example, ISIS uses Defendants' platforms and services to distribute high-
10 production-quality videos, images, and recordings that make it appear more sophisticated,
11 established, and invincible.

12 23. ISIS has used Defendants' platforms and services to cultivate and maintain an image
13 of brutality, to instill greater fear and intimidation, and to appear unstoppable, by disseminating
14 videos and images of numerous beheadings and other brutal killings, including setting captives on
15 fire, blowing them up with explosives, slowly lowering them in a cage underwater to drown, and
16 more.

17 24. In this case, ISIS used Defendants' platforms to specifically threaten the France that
18 it would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller
19 attacks leading up to these major attacks, and to transform the operational leaders of the Paris attacks
20 into "celebrity" among jihadi terrorists in the year leading up to the Paris attacks via videos featuring
21 ISIS exploits in Syria, France, and Belgium.

22 25. ISIS also used Defendants' platforms to celebrate the Paris attacks, to intensify the
23 intimidation of the attacks, and to claim credit for the attacks.

1 26. For years, ISIS and its affiliated media production and distribution networks openly
2 maintained and used official Twitter, YouTube, and Facebook accounts with little or no interference.
3 Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings,
4 and other attention for providing its online social media platforms and communications services to
5 ISIS, prior to the Paris attacks Defendants continued to provide these resources and services to ISIS
6 and its affiliates, refusing to actively identify ISIS Twitter, YouTube, and Facebook accounts, and
7 only reviewing accounts reported by other social media users.
8

9 27. Defendants knowingly provided material support and resources to ISIS in the form
10 of Twitter, Facebook, and Google's YouTube platforms and other services, as well as by making
11 personnel available to ISIS.

12 28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most
13 important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which
14 ISIS murdered 130 individuals and injured Mandy Palmucci.
15

16 29. By providing its social media platforms and other online services and personnel to
17 ISIS, Defendants: violated the federal prohibitions on providing material support or resources for
18 acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to
19 designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired
20 with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C.
21 § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly,
22 Defendants are liable pursuant to 18 U.S.C. § 2333 to the Plaintiff, who was injured by reason of
23 acts of international terrorism.
24

25 30. Plaintiff's claims are based not upon the content of ISIS's social media postings, but
26 upon Defendants provision of the infrastructure which provides material support to ISIS.
27
28

38. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

39. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a).

FACTUAL ALLEGATIONS

I. BACKGROUND: U.S. ANTITERRORISM ENFORCEMENT LEGISLATION

A. Criminal Punishment of International Terrorism

40. In the 1980's, terrorist groups carried out a number of major terror attacks around the world, killing and injuring many Americans abroad.

41. Among these terror attacks were:

- a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63 people, including 17 Americans;
- b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon, killing 241 U.S. Marines, 58 French peacekeepers, and 6 civilians, and injuring more than 100 others;
- c. The December 1983 terrorist bombings of the U.S. Embassy and the residential quarters of American company Raytheon in Kuwait;
- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon, killing 14 people, including 2 Americans, and injuring dozens;
- e. The June 1985 hijacking of TWA flight 847, in which an American Navy diver was killed;
- f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and

1 g. The December 1985 terrorist attacks using assault rifles and hand grenades at the
 2 Rome and Vienna airports, killing 19, including 4 Americans, and injuring about 140
 3 others.

4 42. In response to these and other attacks, Congress enacted the “Omnibus Diplomatic
 5 Security and Antiterrorism Act of 1986” (“Antiterrorism Act of 1986”).²

6 43. Title XII of the Antiterrorism Act of 1986, titled “Criminal Punishment of
 7 International Terrorism,” amended Title 18 of the U.S. Code (“Crimes and Criminal Procedure”),
 8 Part I (“Crimes”), to add a new chapter, then-designated as Chapter 113A and titled, “Extraterritorial
 9 Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”³

10 44. This new chapter provided criminal penalties for killing, conspiring, or attempting to
 11 kill a national of the United States outside the United States, or engaging in physical violence outside
 12 the United States with the intent to cause serious bodily injury to a national of the United States or
 13 that results in serious bodily injury to a national of the United States.⁴

14
 15
 16 **B. Private Enforcement: The Antiterrorism Act of 1992 (“ATA”)**

17 45. As acts of terror unfortunately continued, the United States continued to seek new
 18 methods of combating international terrorism.

19 46. In October 1992, Congress enacted the Antiterrorism Act of 1992 (“ATA”),⁵ which
 20 amended the chapter of the Criminal Code dealing with terrorism to include a private right of action

21
 22
 23 ² Pub. L. 99-399 (Aug. 27, 1986), 100 Stat. 853-901.

24 ³ Pub. L. 99-399, title XII, § 1202(a), 100 Stat. 896. Chapter 113A was subsequently re-
 designated as Chapter 113B and renamed “Terrorism.”

25 ⁴ *Id.* This section, originally enacted as 18 U.S.C. § 2331, is now found (as amended) at 18
 26 U.S.C. § 2332 (titled “Criminal penalties”).

27 ⁵ The ATA was enacted as part of the “Federal Courts Administration Act of 1992.” *See* Pub. L.
 102-572, title X, § 1003 (October 29, 1992); 106 Stat. 4521.

1 for U.S. nationals injured by acts of international terrorism as a legal complement to the criminal
2 penalties against terrorists that kill or injure Americans abroad. *See* 18 U.S.C. § 2333.

3 47. ATA claims necessarily involve criminal law, because the ATA’s definition of
4 “international terrorism” is limited to activities that, *inter alia*, “involve violent acts or acts
5 dangerous to human life that are a violation of the criminal laws of the United States or of any State,
6 or that would be a criminal violation if committed within the jurisdiction of the United States or of
7 any State.” *See* 18 U.S.C. § 2331.

8 48. Thus, in enacting the ATA, Congress sought not only to provide victims of terror
9 with a remedy to seek compensation, but also specifically intended that the private cause of action
10 would serve as an important tool for enforcing the federal criminal antiterrorism statutes by creating
11 a method of depriving terrorists of financial resources to carry out attacks.

12 49. Indeed, as the ATA was being considered in Congress, the U.S. State Department’s
13 Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s
14 Subcommittee on Courts and Administrative Practice that this proposed bill “will add to the arsenal
15 of legal tools that can be used against those who commit acts of terrorism against United States
16 citizens abroad.”⁶

17 50. The Deputy Legal Advisor also testified:

18 “[T]his bill will provide general jurisdiction to our federal courts and
19 a cause of action for cases in which an American has been injured by an act
20 of terrorism overseas.

21 We view this bill as a welcome addition to the growing web of law
22 we are weaving against terrorists. . . . The existence of such a cause of action
23 . . . may deter terrorist groups from maintaining assets in the United States,
24

25 ⁶ “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new
26 civil cause of action in federal court for terrorist acts abroad against United States nationals,” *Before*
27 *the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee* (July
28 25, 1990) (emphasis added), <https://www.state.gov/documents/organization/28458.pdf>.

1 from benefiting from investments in the U.S. and from soliciting funds
2 within the U.S. In addition, other countries may follow our lead and
3 implement complimentary national measures, thereby increasing obstacles
4 to terrorist operations.

5 Moreover, the bill may be useful in situations in which the rules of
6 evidence or standards of proof preclude the U.S. government from
7 effectively prosecuting a criminal case in U.S. Courts. Because a different
8 evidentiary standard is involved in a civil suit, the bill may provide another
9 vehicle for ensuring that terrorists do not escape justice.⁷

10 51. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of
11 the ATA's civil cause of action as follows:

12 "The United States must take a strong stand against terrorism. The
13 Department of State testified that this bill would add to the arsenal of legal
14 tools that can be used against those who commit acts of terrorism against
15 U.S. citizens abroad.

16 ...
17 Now is the time for action. Now is the time to strengthen our ability
18 to both deter and punish acts of terrorism.

19 We must make it clear that terrorists' assets are not welcome in our
20 country. And if they are found, terrorists will be held accountable where it
21 hurts them most: at their lifeline, their funds."⁸

22 52. In July 1992, a Senate committee report further explained: "By its provisions for
23 compensatory damages, treble damages, and the imposition of liability at any point along the causal
24 chain of terrorism, [the civil provisions of the ATA] would interrupt, or at least imperil, the flow of
25 money [to terrorist organizations.]"⁹

26 _____
27 ⁷ *Id.* (emphasis added).

28 ⁸ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990) (emphasis added), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

⁹ S. Rep. No. 102-342, 22 (1992).

53. The committee report also stated that 18 U.S.C. § 2333 “extends the same jurisdictional structure that undergirds the reach of American criminal law to the civil remedies that it defines.”¹⁰

C. Enactment of the “Material Support” Criminal Statutes

54. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under the North Tower of the World Trade Center in New York City, attempting to cause the collapse of both towers and the death of thousands of Americans.

55. Although the damage from the 1993 World Trade Center bombing was limited, it nevertheless killed 6 people and injured more than 1,000 others.

56. In response to the 1993 World Trade Center bombing among other things, Congress enacted new legislation again aimed at depriving terrorists of the resources needed to carry out attacks.

57. Thus, in September 1994, Congress enacted the “Violent Crime Control and Law Enforcement Act of 1994,”¹¹ which included a new criminal statute, 18 U.S.C. § 2339A (“Providing material support to terrorists”), making it a crime to provide material support or resources, or to conceal or disguise the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out illegal terrorist acts.

58. As originally enacted, 18 U.S.C. § 2339A(a) defined “material support or resources” to mean: “currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal

¹⁰ *Id.* at 45.

¹¹ Pub. L. 103-322 (Sept. 13, 1994), 108 Stat. 1796-2151.

1 substances, explosives, personnel, transportation, and other physical assets, but does not include
 2 humanitarian assistance to persons not directly involved in such violations.”

3 59. In April 1996, Congress enacted the “Antiterrorism and Effective Death Penalty Act
 4 of 1996” (“AEDPA”).¹²

5 60. Among other things, the AEDPA amended 18 U.S.C. § 2339A to move the definition
 6 of “material support or resources” from subsection (a) to subsection (b) of § 2339A, to delete the
 7 phrase “but does not include humanitarian assistance to persons not directly involved in such
 8 violations” from that definition, and to insert the phrase “except medicine or religious materials” in
 9 its place.
 10

11 61. In addition, the AEDPA enacted 18 U.S.C. § 2339B (“Providing material support or
 12 resources to designated foreign terrorist organizations”), making it a crime to knowingly provide
 13 material support or resources to a designated foreign terrorist organization (“FTO”), without regard
 14 to how such support or resources will be used.
 15

16 62. Title 18 U.S.C. § 2339B incorporates and adopts by reference the definition for
 17 “material support or resources” set out in § 2339A.

18 63. Regarding the new § 2333B, the House Judiciary Committee report explained:

19 “This section recognizes the fungibility of financial resources and
 20 other types of material support. Allowing an individual to supply
 21 funds, goods, or services to an organization, or to any of its subgroups
 22 that draw significant funding from the main organization’s treasury,
 23 helps defray the cost to the terrorist organization of running the
 24 ostensibly legitimate activities. This in turn frees an equal sum that
 25 can then be spent on terrorist activities.”¹³

26 ¹² Pub. L. 104-132 (Apr. 24, 1996), 110 Stat. 1214-1319.

27 ¹³ H. Rept. 104-383, 81 (1995).

64. In section 301 of the AEDPA, Congress enacted specific findings and a purpose of the AEDPA's Title III ("International Terrorism Prohibitions"), Subtitle A ("Prohibition on International Terrorism Fundraising"), including the following:

"(a) FINDINGS.—The Congress finds that—

International terrorism is a serious and deadly problem that threatens the vital interests of the United States; the Constitution confers upon Congress the power to punish crimes against the law of nations and to carry out the treaty obligations of the United States, and therefore Congress may by law impose penalties relating to the provision of material support to foreign terrorist organizations engaged in terrorist activity;

...

(4) international terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States;

...

(7) some foreign terrorist organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.

(b) PURPOSE.—The purpose of this subtitle is to provide the Federal Government the fullest possible basis, consistent with the Constitution, to prevent persons within the United States, or subject to the jurisdiction of the United States, from providing material support or resources to foreign organizations that engage in terrorist activities."¹⁴

D. Executive Order No. 13224: Global Terrorism Sanctions

65. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried out terrorist hijackings of civilian passenger aircraft in the United States with the purpose of crashing them into various targets, causing enormous damage and mass murder (the "9/11 Attacks").

66. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the World Trade Center towers in New York, causing the fiery collapse of both towers, a third aircraft

¹⁴ Pub. L. 104-132, § 301, 110 Stat. 1247 (emphasis added).

1 was crashed into the U.S. military headquarters (the “Pentagon”) in Washington, D.C., and a fourth
2 aircraft was crashed into a field in Pennsylvania.

3 67. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and
4 caused more than \$10 billion in damage to property.

5 68. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush
6 issued Executive Order No. 13224 (“EO 13224”) pursuant to the International Emergency Economic
7 Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”), and other authorities.

8 69. In EO 13224, President Bush found that “grave acts of terrorism and threats of
9 terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further
10 attacks on United States nationals or the United States constitute an unusual and extraordinary threat
11 to the national security, foreign policy, and economy of the United States,” and he declared a
12 national emergency to deal with such threats.

13 70. EO 13224 legally blocked all property and interests in property of “Specially
14 Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services for
15 the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities
16 that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their
17 subsidiaries, front organizations, agents, and associates.

18 71. The prohibitions of EO 13224 remain in effect.

19 72. Pursuant to EO 13224, subsequent Presidential Executive Orders, the IEEPA, and
20 other statutory authorities, the U.S. Department of the Treasury has enacted federal regulations
21 setting out legal sanctions imposed against SDGTs. *See* 31 C.F.R. Part 594 (“Global Terrorism
22 Sanctions Regulations”).

23 73. Title 31 C.F.R. § 594.204 prohibits “engag[ing] in any transaction or dealing in
24 property or interests in property of [SDGTs], including but not limited to the following transactions:
25

1 (a) The making of any contribution or provision of funds, goods, or services by, to, or for the benefit
 2 of any [SDGT]; and (b) The receipt of any contribution of provision of funds, goods, or services
 3 from any [SDGT].”

4 74. Title 31 C.F.R. § 594.205 prohibits “any transaction ... that evades, avoids, has the
 5 purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in [31 C.F.R.
 6 Part 594],” as well as “any conspiracy formed for the purpose of engaging in a transaction prohibited
 7 by [31 C.F.R. Part 594].”

8
 9 75. Title 31 C.F.R. § 594.309 provides the following expansive definition of property
 10 and property interest:

11 “The terms *property* and *property interest* include, but are not limited
 12 to, money, checks, drafts, bullion, bank deposits, savings accounts,
 13 debts, indebtedness, obligations, notes, guarantees, debentures,
 14 stocks, bonds, coupons, any other financial instruments, bankers
 15 acceptances, mortgages, pledges, liens or other rights in the nature of
 16 security, warehouse receipts, bills of lading, trust receipts, bills of sale,
 17 any other evidences of title, ownership or indebtedness, letters of
 18 credit and any documents relating to any rights or obligations
 19 thereunder, powers of attorney, goods, wares, merchandise, chattels,
 20 stocks on hand, ships, goods on ships, real estate mortgages, deeds of
 21 trust, vendors’ sales agreements, land contracts, leaseholds, ground
 22 rents, real estate and any other interest therein, options, negotiable
 23 instruments, trade acceptances, royalties, book accounts, accounts
 24 payable, judgments, patents, trademarks or copyrights, insurance
 25 policies, safe deposit boxes and their contents, annuities, pooling
 26 agreements, services of any nature whatsoever, contracts of any nature
 27 whatsoever, and any other property, real, personal, or mixed, tangible
 28 or intangible, or interest or interests therein, present, future or
 contingent.” (italics in original; underline added).

23 76. In addition, 31 C.F.R. § 594.306 provides: “Except as otherwise provided in this part,
 24 the term *interest* when used with respect to property (e.g., “an interest in property”) means an interest
 25 of any nature whatsoever, direct or indirect.” (italics in original).

26 77. Willful violations of Executive Order No. 13224 and 31 C.F.R. Part 594 are subject
 27 to federal criminal penalties pursuant to the IEEPA. *See* 50 U.S.C. § 1705.

E. Post-9/11 Amendments to 18 U.S.C. §§ 2339A-B

78. In the wake of the 9/11 Attacks, Congress passed the “USA PATRIOT Act” in October 2001.¹⁵

79. Among other things, the USA PATRIOT Act increased the penalties for violation of 18 U.S.C. §§ 2339A-B.

80. The USA PATRIOT Act also added “expert advice or assistance” to the definition of “material support or resources” applicable to §§ 2339A-B.

81. In December 2004, as part of the “Intelligence Reform and Terrorism Prevention Act of 2004,”¹⁶ Congress enacted the “Material Support to Terrorism Prohibition Enhancement Act of 2004,”¹⁷ designed to further extend the reach of U.S. antiterrorism statutes.

82. The 2004 amendments to the U.S. antiterrorism statutes included an expansion and clarification of the definition of “material support or resources” applicable to 18 U.S.C. §§ 2339A-B, by substituting the following language in 18 U.S.C. § 2339A(b):

“(b) DEFINITIONS.—As used in this section—

- (1) the term ‘material support or resources’ means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials;
- (2) the term ‘training’ means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

¹⁵ Pub. L. 107-56 (Oct. 26, 2001), 115 Stat. 272-402.

¹⁶ Pub. L. 108-458 (Dec. 17, 2004), 118 Stat. 3638-3872.

¹⁷ *Id.* at Title VI (“Terrorism Prevention”), Subtitle G (“Providing Material Support to Terrorism”), 118 Stat. 3761-3764.

(3) the term ‘expert advice or assistance’ means advice or assistance derived from scientific, technical or other specialized knowledge.”

83. In addition, the 2004 amendments to 18 U.S.C. § 2339B, among other things, clarified the “knowledge” required to violate § 2339B, by adding the following sentence to the end of § 2339B(a)(1):

“...To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).”

84. On April 20, 2005, the U.S. Department of Justice presented testimony to the U.S. Senate Judiciary Committee’s Subcommittee on Terrorism, Technology and Homeland Security concerning the effectiveness of the material support statutes as amended in 2004.¹⁸

85. The Department of Justice testimony included the following:

“The material support statutes, as enhanced and clarified by the USA PATRIOT Act in 2001, and the Intelligence Reform and Terrorism Prevention Act just a few months ago, are critical features of the law enforcement approach to counterterrorism. Rather than criminalizing the violent acts used by terrorists, these statutes recognize that there are important components of the terrorist infrastructure that stop short of actual attacks. We know from experience that terrorists need funding and logistical support to operate. They need to raise funds, open and use bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and procure equipment for their attacks. People who occupy this position in the terrorism division of responsibility might not themselves be bomb-throwers. The front-line terrorists cannot operate without specialists. The material support

¹⁸ “Statement of Daniel Meron, Principal Deputy Assistant Attorney General, Civil Division, and Barry Sabin, Chief, Counterterrorism Section, Criminal Division, Before the Subcommittee on Terrorism, Technology and Home Security, Committee on the Judiciary, United States Senate, Concerning the Federal Material Support Statutes,” *U.S. Department of Justice* (Apr. 20, 2005).

1 statutes are designed to reach the non-violent specialists and the
logistical support networks.

2 ...

3 The operation of the material support statutes is also illustrated by a
number of pending prosecutions...

4 ...

5 [One] § 2339A case involves Babar Ahmad and Azzam Publications,
6 charged in Connecticut in October of 2004. Ahmad, a resident of the
United Kingdom, allegedly operated and directed Azzam Publications
7 and its family of Internet websites to recruit and assist the Chechen
mujahideen and the Taliban and to raise funds for violent jihad in
Afghanistan, Chechnya and other locations. These websites existed
8 and operated throughout the world, including in the United States.
Along with other Internet media allegedly created and operated by
9 Ahnrad, these sites gave instructions for travel to Pakistan and
Afghanistan to fight with these groups and for surreptitious transfer of
10 funds to the Taliban; they also solicited military items for these
groups, including gas masks and night vision goggles. The websites
11 also advertised videotapes – allegedly produced by Ahmad and others
– depicting violent jihad in Chechnya, Bosnia, and Afghanistan, and
12 the torture and killing of captured Russian troops.

13 Ahmad has been charged with crimes that include providing material
support to terrorists under 18 U.S.C. 2339A. We describe this
14 indictment to you – in part – to highlight the use of the Internet by
those who support their violent goals through communications,
15 recruiting and propaganda. This is criminal conduct, not rights
protected by the First Amendment. The government must meet the
16 challenges posed by the technology of the twenty-first century through
the use of all our tools, including criminal investigation and
17 prosecution.

18 ...

19 Significantly, the definition of ‘material support or resources’ was
expanded to encompass all property – whether tangible or intangible
– and all services, except for medicine and religious materials. The
20 definition formerly was limited to specified types of material support
and ‘other physical assets.’ Congress’s action to clarify this definition
21 assures that no form of terrorist assistance or activity will escape the
reach of the statute.”¹⁹

22 **F. The Justice Against Sponsors of Terrorism Act (“JASTA”)**

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27 ¹⁹ *Id.* (emphasis in original).

86. In September 2016, Congress enacted JASTA,²⁰ which amended the ATA's civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

87. In enacting JASTA, Congress made a number of specific findings, including the following:

“(a) FINDINGS.—Congress finds the following:

- (4) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.
- (5) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.
- (6) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.
- (7) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.
- (8) The decision of the United States Court of Appeals for the District of Columbia in *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.
- (9) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.
- (10) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed

²⁰ Pub. L. 114-222 (Sept. 28, 2016); 130 Stat. 852.

within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.”²¹

88. Congress also specifically stated that the purpose of JASTA was as follows:

“(b) PURPOSE.—The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”²²

II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION

A. Al-Zarqawi and the Internet as a New Weapon in the Global Terrorist’s Arsenal

89. In the late 1980’s, Abu Musab al-Zarqawi (“al-Zarqawi”) left his native Jordan and traveled briefly to Afghanistan to join radical Islamists fighting against Soviet forces at that time.

90. When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the Jordanian monarchy and establishing an Islamic state in Jordan and formed a local radical Islamist group called *Jund al-Sham*.

91. In 1992, when a cache of guns and explosives were discovered in his home, al-Zarqawi was arrested and imprisoned in Jordan.

92. After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he met with *al-Qaeda* leader Osama Bin-Laden (“Bin-Laden”) and reportedly received \$200,000 in “seed money” from Bin-Laden to establish a *jihadi* training camp near the border of Iran.

²¹ JASTA § 2(a) (emphasis added).

²² JASTA § 2(b) (emphasis added).

93. Al-Zarqawi soon formed a new radical Islamist terrorist group called “*Jam’at al Tawhid wa’al-Jihad*” (“The Monotheism and Jihad Group”), popularly known as “*al-Tawhid*” or “The Zarqawi Network.”

94. The following is a picture of al-Zarqawi and the *al-Tawhid* flag:



Figure 3 al-Zarqawi



Figure 4 al-Tawhid flag

95. On September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially Designated Global Terrorist (“SDGT”) pursuant to Executive Order No. 13224.

96. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in which violent attacks on non-believers, heretics, and apostates are not only justified but religiously mandated.

97. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and govern the world.

98. Al-Zarqawi’s successors, including the “Islamic State” today, maintain al-Zarqawi’s vision of Islam, teaching that true Muslims have an obligation to engage in *jihad* (“holy war”), using intimidation, violence, and killing to establish Sunni Islamic dominance.

1 99. At the beginning of 2004, Osama bin Ladin's terrorist organization *al-Qaeda*—
2 having carried out the 9/11 Attacks on the United States—was still the dominant symbol of global
3 terrorism.

4 100. In January 2004, al-Zarqawi reportedly sought to be officially recognized by bin-
5 Laden as part of *al-Qaeda*'s global *jihadi* movement, but without success.

6 101. Over the course of 2004, al-Zarqawi began to use the Internet to promote his
7 particularly savage form of *jihad* and gain widespread notoriety.

8 102. While al-Zarqawi was not the first to use the Internet to promote and engage in *jihad*,
9 he is known as a figure who embraced internet technology and communication to promote terrorism,
10 taking terror on the internet to a new level.

11 103. Al-Zarqawi combined shocking images of graphic violence and cruelty with the
12 Internet to fashion a new psychological weapon in the service of terrorism.

13 104. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained:
14 “While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to
15 disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce
16 graphic videos that would never have been shown on the mainstream media.”²³

17 105. For example, on May 11, 2004, al-Zarqawi's group posted a link on the *jihadi*
18 internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-*
19 *Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi slaughters
20 an American infidel with his own hands” (the “Berg Video”).
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27 ²³ Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.
28

106. The Berg Video showed five hooded terrorists dressed in black standing behind abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an orange jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at Guantanamo Bay).

107. The following is a screen clip from the Berg Video:



Figure 5 Clip From Video of Murder of Nicholas Berg

108. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

109. The *al-Ansar* internet forum quickly crashed due to the volume of traffic and attempted downloads of the Berg Video from the site.

110. Nevertheless, before the website crashed, forum members copied the Berg Video from the *al-Ansar* forum to other sites and it was thus downloaded thousands of times and still circulates on the internet today.

111. Despite the relatively low quality of the Berg Video and the technical difficulties involved in its distribution, The Atlantic magazine later reported: "With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's

1 success was possible because he had anticipated the importance of the Internet—an increasingly
2 important weapon in the global terrorist arsenal.”²⁴

3 112. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full
4 hour-long propaganda video titled, “The Winds of Victory.”

5 113. The “Winds of Victory” video opened with the nighttime bombing of the city of
6 Baghdad by U.S. forces while mocking captions flashed the words “Democracy” and “Freedom” in
7 Arabic across the screen.

8 114. The nighttime bombing was then contrasted with graphic scenes in full daylight of
9 mutilated Iraqi children ostensibly injured by the attacks, and pictures showing abuse of Iraqi
10 captives held by American soldiers at Abu Ghraib prison.

11 115. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi
12 Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed by
13 footage of their bombing attacks, often from multiple angles.

14 116. As the release of “The Winds of Victory” preceded the development of YouTube, al-
15 Zarqawi’s group did not have the internet capability to mass-distribute a single 90-megabyte video
16 file, so the hour-long video had to be broken into chapters and released on internet *jihadi* forums
17 piecemeal over the course of several weeks.

18 117. In the months to come, al-Zarqawi and his followers continued to carry out and
19 record more beheadings of foreign captives and post videos of these murderous atrocities on *jihadi*
20 internet forums.

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27 ²⁴ Nadya Labi, “Jihad 2.0,” *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

118. Among the videos posted on *jihadi* internet forums of al-Zarqawi and his followers beheading foreign captives in 2004 were the following:

- a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June 2004;
- b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;
- d. Twelve Nepali citizens murdered on video, one was beheaded and the others were shot, in August 2004;
- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

119. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group *al-Tawid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA, 8 U.S.C. § 1189.

120. These SDGT and FTO designations have been updated from time to time to include ISIS's various names and aliases including, among others, "*al-Qaeda* in Iraq," "The Islamic State of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State," and remain in effect today.

121. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

122. According to BBC Security Correspondent Gordon Corera, "[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high

1 profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin
2 Laden.”²⁵

3 123. Corera explained that, even though al-Zarqawi’s terrorist group was estimated to
4 have only between 50 to 500 members at this time, “they exercise[d] an exaggerated degree of
5 influence due to their coupling of extreme violence with an acute understanding of the power of the
6 media.”²⁶

7 124. Al-Zarqawi becomes a figure *al-Qaeda* could not ignore: according to terrorism
8 analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be “outdone”
9 by al-Zarqawi, “bin-Laden himself wanted to ‘own’ the Iraq jihad as well as remain relevant while
10 hiding from the United States.”²⁷

11 125. In late 2004, al-Zarqawi finally received the official recognition he sought: on
12 October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and
13 *al-Qaeda* accepted and publicized al-Zarqawi’s oath to bin-Laden in its online magazine *Mu’askar*
14 *al-Battar* on October 25, 2004.

15 126. On December 27, 2004, Al Jazeera television broadcast an audiotape of bin-Laden
16 calling al-Zarqawi “the prince of al Qaeda in Iraq” and asking “all our organization brethren to listen
17 to him and obey him in his good deeds.”²⁸

21
22 ²⁵ Gordon Corera, “Unraveling Zarqawi’s al-Qaeda Connection,” *Terrorism Monitor*, Vol. 2,
23 Issue 24 (The Jamestown Foundation, Dec. 15, 2004), [http://www.jamestown.org/programs/
24 tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ).

25 ²⁶ *Id.*

26 ²⁷ Aaron Y. Zelin, “The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist
27 Movement,” *The Washington Institute for Near East Policy* (June 2014), [http://www.
28 washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf](http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf).

²⁸ “Purported bin Laden tape endorses al-Zarqawi,” *CNN* (Dec. 27, 2004), [http://edition.cnn.
com/2004/WORLD/meast/12/27/binladen.tape/](http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/).

127. Al-Zarqawi changed his group's name to "*Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn*" ("Organization of Jihad's Base in the Land of Two Rivers [Iraq]"), and it became commonly known as "*al-Qaeda in Iraq*" ("AQI").

128. The following is a picture of the AQI flag:



Figure 6 AQI Flag

129. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to *al-Qaeda*'s important private donors and recruitment, logistics, and facilitation networks.

130. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed attained "an international name 'of enormous symbolic importance' . . . on a par with bin-Laden, largely because of his group's proficiency at publicizing him on the Internet."²⁹

131. However, al-Zarqawi's notoriety was not without cost: on June 7, 2006, Al-Zarqawi was targeted and killed by a U.S. airstrike.

B. AQI Rebrands Itself as the Islamic State of Iraq

132. Prior to Al-Zarqawi's death, AQI and allied groups in Iraq joined together to create a "Mujahideen Shura Council."

²⁹ Susan B. Glasser and Steve Coll, "The Web as Weapon," *The Washington Post* (Aug. 9, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

133. In October 2006, after al-Zarqawi's death, the Mujahideen Shura Council released a video declaring the establishment of what it called "The Islamic State of Iraq" ("*ad-Dawlah al-'Iraq al-Islamiyah*") ("ISI").

134. Although the video of the announcement of ISI was originally posted on *jihadi* website forums, in December 2006 ISI supporters posted the video on YouTube.

135. The following are screen clips from the video posted on YouTube with English subtitles:



Figure 7 Scene from ISIS Video



Figure 8 Scene from ISIS Video

136. The United States and its allies, nevertheless, generally continued to call the group "*al-Qaeda* in Iraq" or AQL.

137. Although ISI's reach was still limited, its goal was to take control of the western and central areas of Iraq and turn it into a Sunni Islamic religious state.

138. The following is a picture of the ISI flag (which also remains the flag of ISIS):



Figure 9 ISIS Flag

C. ISI Expands into Syria to Become ISIS

139. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new leader.

140. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly establishing and supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria since August 2011.

141. In his announcement, Abu Bakr declared that ISI and *al-Nusra* were now officially merged under the name “*ad-Dawlah al-Islamiyah fil- ‘Iraq wash-Sham*” (“The Islamic State of Iraq and Syria” or “ISIS”³⁰).

142. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to ISIS.

143. ISIS took advantage of this shift to establish a substantial official presence in Syria almost overnight, and to take control of additional Syrian areas in the following months, including the northeastern Syrian city of Raqqa, which ISIS declared as its capital.

144. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants and declared members of other Muslim sects in the city to be infidels.

³⁰ The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to identify the same terrorist organization depending upon translation. ISIS is also known (primarily by its detractors) as “DAESH,” an acronym based upon its Arabic name.

145. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS accused of engaging in activities ISIS considered anti-Islamic.

146. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and leaving their remains in the public square.

147. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda's* leader Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

148. On February 3, 2014, al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

D. ISIS Proclaims an Islamic Caliphate on YouTube and Expands its Reach of Terror

149. On June 29, 2014, ISIS used YouTube to post a video titled "The End of Sykes-Picot," in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as the basis for the nation-states of the Middle East, and shatter all the borders to form a single Islamic state.

150. The following is a screen clip from the ISIS video "The End of Sykes-Picot":



Figure 10 Scene from ISIS Video "The End of Sykes-Picot"

151. Also on June 29, 2014, ISIS used YouTube to post an audio message titled "This is the Promise of Allah," in which ISIS spokesman Abu Muhammad al-Adnani declared the

1 establishment of ISIS as a worldwide “Islamic Caliphate”³¹—an Islamic religious state to which all
 2 Muslims must submit and pledge fealty—with Abu Bakr as its “Caliph” (ruler).

3 152. The following is an ISIS graphic promoting the video “This is the Promise of Allah”:



4
5
6
7
8 *Figure 11 ISIS Graphic "This is the Promise of Allah"*

9 153. ISIS has claimed that it is destined to establish its rule worldwide.

10 154. Several smaller Islamist terrorist groups have taken control of territory within other
 11 countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such
 12 territories to be “provinces” of the ISIS Caliphate.

13 **E. Official Terrorist Designations of ISIS**

14 155. Not only have ISIS’s claims of statehood and sovereignty been rejected by countries
 15 worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the
 16 European Union, and numerous governments around the world, including the United States, Britain,
 17 Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt,
 18 India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

19 156. Since October 15, 2004 and still today, ISIS is a designated foreign terrorist
 20 organization (“FTO”) pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.
 21

22 157. Knowingly providing material support or resources to ISIS, a designated FTO, is a
 23 federal criminal offense under 18 U.S.C. § 2339B.
 24

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27 ³¹ At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* (“The Islamic State” or
 28 “IS”). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.

1 158. Since October 15, 2004, and still today, ISIS is a specially designated global terrorist
2 (“SDGT”) under Executive Order No. 13224.

3 159. Federal law prohibits “making of any contribution or provision of funds, goods, or
4 services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these
5 prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

6 **III. ISIS’S EXTENSIVE USE OF DEFENDANTS’ SERVICES**

7 **A. ISIS is Dependent on Twitter, Facebook, and YouTube to Terrorize: ISIS Uses Defendants** 8 **to Recruit New Terrorists.**

9 160. One of ISIS’s primary uses of Defendants’ sites is a recruitment platform,
10 particularly to draw fighters from Western countries.

11 161. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook,
12 and YouTube so that individuals across the globe may reach out to them directly. After the first
13 contact, potential recruits and ISIS recruiters often communicate via Defendants’ Direct
14 Messaging capabilities. According to former FBI Director James Comey, “[o]ne of the challenges
15 in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might
16 be willing to travel or kill in place they will begin a Twitter direct messaging contact.” Indeed,
17 according to the Brookings Institution, some ISIS members “use Twitter purely for private
18 messaging or covert signaling.”
19

20 162. In addition to individual recruitment, ISIS members use Defendants to post
21 instructional guidelines and promotional videos referred to as “mujatweets.”
22

23 163. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting
24 Westerners and instructing them on how to travel to the Middle East to join its fight.

25 164. That same month, ISIS posted a recruitment video on various social media sites,
26 including Defendants. Although YouTube removed the video from its site, the link remained
27

1 available for download from Twitter. The video was further promoted through retweets by accounts
2 associated with ISIS.

3 165. ISIS also posted its notorious promotional training video, “Flames of War,” narrated
4 in English, in September 2014. The video was widely distributed on Twitter through ISIS
5 sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using
6 Defendants to advertise their membership and terrorist activities.

7
8 166. For example, in May 2013, a British citizen who publicly identified himself as an
9 ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to
10 join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian
11 female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS
12 cause, as she embarked for Syria.

13 167. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS’s use of
14 Facebook to travel to Syria believing they would be providing humanitarian aid³². Instead, they
15 were taken to an ISIS compound where there were forced to serve as prostitutes and were repeatedly
16 raped. The girls escaped during a bombing of the compound and returned home.

17
18 168. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar
19 Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.³³

20 169. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and
21 activist, ISIS used her account to lure others into supporting ISIS³⁴.

22
23
24
25
26 ³² <http://www.teenvogue.com/story/isis-recruits-american-teens>

27 ³³ <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

28 ³⁴ <http://www.independent.co.uk/news/world/middle-east/ruqia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

170. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign recruits since 2013, including some 4,500 Westerners and 250 Americans.

B. ISIS Uses Defendants to Fund Terrorism

171. ISIS also uses Defendants to raise funds for its terrorist activities.

172. According to David Cohen, the U.S. Treasury Department's Under Secretary for Terrorism and Financial Intelligence, "[y]ou see these appeals on Twitter in particular from, you know, well-know[n] terrorist financiers . . . and they're quite explicit that these are to be made to ISIL for their military campaign."

173. The Financial Action Task Force confirms that "individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact them." These tweets even promote "donation tiers." One ISIS-linked cleric with the Twitter account @Jahd_bmalk, for instance, sought donations for weapons with the slogan "Participate in Jihad with your Money." The account tweeted that "if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a 'silver status.' Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor will earn the title of 'gold status' donor." According to various tweets from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



Figure 12 Fundraising Images from ISIS Twitter Accounts

174. A similar Twitter campaign in the spring of 2014 asked followers to “support the Mujahideen with financial contributions via the following reliable accounts” and provided contact information for how to make the requested donations.

175. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash gold bars and luxury cars that it received from donors, as well as weapons purchased with the proceeds.



Figure 13 Donations to ISIS Publicized on Twitter

176. As discussed more fully below, YouTube approves of ISIS videos allowing for ads to be placed with ISIS videos. YouTube earns revenue from these advertisements and shares a portion of the proceeds with ISIS.

177. Below is an example of a video posted by ISIS on YouTube with a member speaking in French looking for Muslims to support ISIS’s cause online.



Figure 14 Screenshot from ISIS Video Posted on June 17, 2015

C. ISIS Uses Defendant's Sites to Spread Its Terror Propaganda

178. Defendants' platforms have played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

179. ISIS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

180. ISIS's use of violence and threats of violence is part of its program of terrorism, designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain results.

181. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or "end" of ISIS's terror attacks; rather, ISIS uses terror attacks as a "means" to communicate and accomplish its broader objectives.

182. ISIS uses terrorism as a psychological weapon.

183. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desire to achieve via the terrorist attack.

1 184. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more
2 terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its
3 intended audiences, without intermediaries and without interference.

4 185. Defendants provide ISIS with a unique and powerful tool of communication that
5 enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's
6 program of terrorism.

7 186. Defendants' platforms enable ISIS to communicate its messages directly to intended
8 audiences without having to go through the filter of commercial media, and it enables ISIS to have
9 greater access to the commercial media to further its goals as well.

10 187. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and
11 giving instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats,
12 attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks,
13 intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired
14 messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results
15 from the terror attacks, and influence and affect government policies and conduct.

16 188. ISIS thus uses Defendants' platforms to actually carry out essential communication
17 components of ISIS's terror attacks.

18 189. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of
19 terrorism.

20 190. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and
21 YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and
22 legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding
23 the murderous crimes it commits and its status as an illegal terrorist organization.
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1 191. In defiance of federal criminal laws that prohibit providing services to designated
2 terrorists, Defendants enable ISIS terrorists to come out of hiding and present a public face under
3 their own brand and logo, and under the brands and logos of American companies: Facebook,
4 Twitter, and Google.

5 192. Defendants' provision of support to ISIS is not simply a matter of whether ISIS
6 abuses its use of Defendants' Services, or whether Defendants abuse their editorial judgment
7 regarding the content of ISIS's postings; under federal law, Defendants have no discretion about
8 whether to provide its Services to ISIS—it is prohibited by law from doing so.

9 193. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting
10 graphic photos and videos of its terrorist feats.

11 194. Through Defendants' sites, ISIS disseminates its official media publications as well
12 as posts about real-time atrocities and threats to its perceived enemies.

13 195. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in
14 Iraq, and its subsequent execution of Iraqi army officers.

15 196. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a
16 man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu
17 Dahr, identified as the "suicide bomber that attacked the Iranian embassy."

18 197. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as
19 the killing of an Iraqi cameraman.

20 198. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed
21 head perched on his legs. The accompanying tweet read: "This is our ball . . . it has skin on it."
22 ISIS then hashtagged the tweet with the handle #WorldCup so that the image popped up on the
23 feeds of millions following the soccer challenge in Brazil.
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1 199. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75
2 Syrian soldiers who had been captured during the Syrian conflict.

3 200. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-
4 old son holding the decapitated head of a Syrian soldier.

5 201. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos
6 on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army
7 Sergeant Ali al-Sayyed.

8 202. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans
9 under the hashtags #WaronWhites and #AMessagefromISISToUS, including posting gruesome
10 photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung
11 from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11
12 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to
13 kill all Americans “wherever you are.”
14

15 203. Various ISIS accounts have also tweeted pictures and videos of the beheadings of
16 Americans James Foley, Steven Sotloff, and Peter Kassig.

17 204. To keep its membership informed, in April 2014, ISIS created an Arabic-language
18 Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to thousands
19 of users’ accounts, the content of which is controlled by ISIS’s social media operation. The tweets
20 include hashtags, links, and images related to ISIS’s activities. By June 2014, the app reached a high
21 of 40,000 tweets in one day as ISIS captured Mosul, Iraq.
22

23 205. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists
24 thousands of members to repetitively tweet hashtags at certain times of the day so that they trend on
25 Twitter, meaning a wider number of users are exposed to the tweets. One such campaign dubbed a
26 “Twitter storm,” took place on June 8, 2014, and led to a surge in followers.
27

206. In 2014, propaganda operatives from ISIS posted videos of photojournalist John Cantile and other captors on both Twitter and YouTube.³⁵ These operatives used various techniques to ensure that ISIS's posting was spread using Defendants' sites. In her New York Times article, (Not "Lone Wolves" After All: How ISIS Guides World's Terror Plots From Afar-2/5/17), Rakmini Callimachi acknowledges that because of Twitter and other social media, "In the most basic enabled attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence. ... Because the recruits are instructed to use encrypted messaging applications, the guiding role played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe, Asia, and the United States ... were initially labeled the work of "lone wolves", ... and only later discovered to have direct communications with the group discovered."

D. Twitter's Services

207. Twitter is an online news and social networking service that provides sophisticated yet easy-to-use online products and services (collectively, "Services"). Twitter's network allows users to publicly connect with its more than 100 million users through "following" other accounts, as well as through "tweets," or 140 character posts.

208. Twitter's Services include the use of Twitter's computer infrastructure, network, applications, tools and features, communications services, and more.

209. Certain uses or features of Twitter's Services are only available to its registered users, who register and establish an account with Twitter by inputting identifying information and clicking on a "sign up" button.

³⁵ <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

1 210. For example, only registered users may establish a Twitter “account,” “follow” and
2 “Direct Message” other Twitter accounts, post tweets and videos on Twitter’s platform, or post
3 comments on a Twitter user’s posted tweets.

4 211. Is it not necessary to view the “Terms of Service” or other policies or conditions of
5 Twitter’s Services to proceed with registration.

6 212. Twitter’s platform can be used to post and distribute content or videos publicly, or
7 privacy settings are available to enable users to communicate, share, or distribute videos or messages
8 privately.
9

10 213. Twitter enables registered users to “follow” other Twitter accounts and receive
11 notifications of new content, videos, or messages posted by those accounts.

12 214. Twitter generally provides its platform and services to registered users free of charge.

13 **E. ISIS and Twitter**

14 215. For years, the media has reported on the ISIS’s use of Defendants’ social media
15 sites and their refusal to take any meaningful action to stop it.
16

17 216. In December 2011, the New York Times reported that the terrorist group al-
18 Shabaab, “best known for chopping off hands and starving their own people, just opened a Twitter
19 account and have been writing up a storm, bragging about recent attacks and taunting their
20 enemies.”

21 217. That same month, terrorism experts cautioned that “Twitter terrorism” was part
22 of “an emerging trend” and that several branches of *al-Qaeda* were using Twitter to recruit
23 individuals, fundraise and distribute propaganda more efficiently. New York Times
24 correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism,
25 acknowledges that social media and specifically Twitter, allows her to “get inside the minds of
26 ISIS”. Moreover, Callimachi acknowledges, “Twitter is the main engine” in ISIS communication,
27
28

1 messaging and recruiting. “Al Qaeda (and now ISIS) have created a structure that was meant to
2 regenerate itself and no longer be dependent on just one person (bin Laden). The Ideology is now
3 a living, breathing thing, because of Twitter. You no longer have to go to some closed dark-web
4 forum to see their stuff.” Using Twitter, you don’t need to even know the exact address to gain
5 access to messages. “With Twitter, you can guess; you look for certain words and you end up
6 finding these accounts. And then it’s kind of organic; You go to one account, then you go to their
7 followers and you follow all those people, and suddenly you’re in the know.” (Rukmini
8 Callimachi, Wired.com, 8/3/16.)
9

10 218. On November 20, 2015, Business Insider reported that ISIS members have been
11 providing a 34-page guide to operational security and communications available through multiple
12 social media platforms which delivers instructions to users about communications methods
13 including specifics in the use of Twitter, for purposes of recruiting and radicalizing in the United
14 States.
15

16 219. On October 14, 2013, the BBC issued a report on “The Sympatic,” “one of the most
17 important spokesmen of the Islamic State of Iraq and the Levant on the social contact website
18 Twitter” who famously tweeted: “I swear by God that with us there are mujahideen who are not
19 more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame on you.”
20

21 220. On October 31, 2013, Agence France-Presse reported on an ISIS video
22 depicting a prison break at Abu Ghraib and the execution of Iraqi army officers that was
23 “posted on jihadi forums and Twitter.”
24

25 221. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for
26 weapons, food, and operations. The next day, Seth Jones, Associate Director of International
27 Security and Defense Policy Center, stated in an interview on CNN that Twitter was widely used
28 by terrorist groups like ISIS to collect information, fundraise and recruit. “Social media is where

1 it's at for these groups," he added.

2 222. On August 21, 2014, after ISIS tweeted out the graphic video showing the
3 beheading of American James Foley, the Wall Street Journal warned that Twitter could no longer
4 afford to be the "Wild West" of social media.

5 223. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who
6 observed that "[f]or several years, ISIS followers have been hijacking Twitter to freely promote
7 their jihad with very little to no interference at all. . . . Twitter's lack of action has resulted in
8 a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns
9 to mobilize, recruit and terrorize."

10 224. Throughout this period, both the U.S. government and the public at large have
11 urged Defendants to stop providing its services to terrorists.

12 225. In December 2011, an Israeli law group threatened to file suit against Twitter for
13 allowing terrorist groups like Hezbollah to use its social network in violation of U.S. anti-terrorism
14 laws.

15 226. In December 2012, several members of Congress wrote to FBI Director Robert
16 Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist
17 groups.

18 227. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House
19 Foreign Affairs Subcommittee on Terrorism, lamented that "when it comes to a terrorist using
20 Twitter, Twitter has not shut down or suspended a single account." "Terrorists are using Twitter,"
21 Rep. Poe added, and "[i]t seems like it's a violation of the law." In 2015, Rep. Poe again reported
22 that Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements
23 to violence by terrorists.
24

25 228. Recently, former Secretary of State Hillary Clinton has urged Defendants to
26 become more aggressive in preventing ISIS from using its network. "Resolve means depriving
27

1 jihadists of virtual territory, just as we work to deprive them of actual territory,” she told one
2 audience. Later, Secretary Clinton stated that Twitter and other companies “cannot permit the
3 recruitment and the actual direction of attacks or the celebration of violence by this sophisticated
4 Internet user. They’re going to have to help us take down these announcements and these appeals.”

5 229. On January 7, 2016, White House officials announced that they would hold
6 high-level discussions with Defendants to encourage them “to do more to block terrorists” from
7 using their services. “The primary purpose is for government officials to press the biggest
8 Internet firms to take a more proactive approach to countering terrorist messages and recruitment
9 online. . . . That issue has long vexed U.S. counterterrorism officials, as terror groups use
10 Twitter . . . to spread terrorist propaganda, cultivate followers and steer them toward committing
11 violence. But the companies have resisted some requests by law-enforcement leaders to take
12 action . . .”

13
14 **F. Facebook’s Services**

15 230. Facebook is an online social media and social networking service that provides
16 sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook
17 allows users to connect with “friends,” a connection that allows for the exchange of messages,
18 posting of status updates and digital photos, sharing of digital videos and links to online content, as
19 well as the use of various software applications.
20

21 231. Facebook’s Services include the use of Facebook’s computer infrastructure, network,
22 applications, tools and features, communications services, and more.
23

24 232. Certain uses or features of Facebook’s Services are only available to its registered
25 users, who register and establish an account with Facebook by inputting identifying information and
26 clicking on a “sign up” button.
27

1 233. For example, only registered users may establish a Facebook “account,” add or
2 communicate with “friends” on Facebook’s platform, privately message friends or businesses
3 through Facebook’s “Messenger” application, or post status and video updates or comments on the
4 page of a Facebook account or video.

5 234. Is it not necessary to view the “Terms of Service” or other policies or conditions of
6 Facebook’s Services to proceed with registration.

7 235. Facebook’s platform can be used to post and distribute content and videos publicly,
8 or privacy settings are available to enable users to communicate, share, or distribute videos or
9 messages privately.
10

11 236. Facebook enables registered users to “friend request,” “like,” or “follow,” other
12 Facebook accounts in order to receive notifications of new content, videos or messages posted by
13 those accounts.

14 237. Facebook generally provides its platform and services to registered users free of
15 charge.
16

17 **G. ISIS and Facebook**

18 238. On January 10, 2012, CBC News Released an article stating that Facebook is
19 being used by terrorist organizations for recruitment and to gather military and political
20 intelligence. "Many users don't even bother finding out who they are confirming as 'friend' and
21 to whom they are providing access to a large amount of information on their personal life. The
22 terrorists themselves, in parallel, are able to create false profiles that enable them to get into
23 highly visible groups," he said.³⁶
24

25
26
27 ³⁶ <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

239. On January 10, 2014, the Washington Post released an article titled *Why aren't YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*³⁷

240. In June 2014, the Washington Times reported that Facebook is refusing to take down a known ISIS terror group fan page that “has nearly 6,000 members and adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006.”³⁸

241. On August 21, 2014, the anti-defamation league explained that ISIS supporters on Twitter have “not only promoted ISIS propaganda (primarily in English) but has also directed supporters to his English-language Facebook pages (continuously replacing pages as they are removed by Facebook for content violation) that do the same.”³⁹

242. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police Officers with an axe, posted on Facebook “Which is better, to sit around and do nothing or to wage jihad.”⁴⁰

243. At this same hearing, it was also reported that in September 2014 “Alton Nolen, a convert to Islam and ex-convict who had just been fired from his job at a food processing plant, entered his former workplace and beheaded an employee with a knife. This attack combines elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS

³⁷ <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

³⁸ <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

³⁹ <http://www.adl.org/combating-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

⁴⁰ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

1 propaganda, a fact reflected on his Facebook page.”⁴¹

2 244. On November 11, 2015, it was reported that one of the attackers from a terrorist
3 bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for
4 any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional
5 videos circulating in Palestinian society these last few weeks, like the image, shared by thousands
6 on Facebook, showing an anatomical chart of the human body with advice on where to stab for
7 maximal damage.”⁴²

8 245. On December 4, 2015, The Counter Extremism Project released a statement that
9 “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people
10 pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat of ISIS
11 and violent Islamist extremist ideology knows no borders.”⁴³

12 246. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are
13 using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in
14 Libya are creating secret arms bazaars and hosting them on the massive social network. Because
15 of Facebook’s ability to create groups and to send secure payments through its Messenger
16 application, it works as the perfect platform for illegal deals.”⁴⁴

17 247. On March 30, 2018 a memorandum written by a senior Facebook executive was
18 widely publicized through the news⁴⁵. Part of the memorandum states:
19
20
21

22
23 ⁴¹ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

24 ⁴² http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

25 ⁴³ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJhU3bF.dpuf

26 ⁴⁴ <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

27 ⁴⁵ <https://www.theverge.com/2018/3/30/17179100/facebook-memo-leaks-boz-andrew-bosworth>

1 We connect people.

2 That can be good if they make it positive. Maybe someone finds love.
3 Maybe it even saves the life of someone on the brink of suicide. So we
4 connect more people.

5 That can be bad if they make it negative. Maybe it costs a life by exposing
6 someone to bullies. Maybe someone dies in a terrorist attack coordinated on
7 our tools.

8 And still we connect people.

9 The ugly truth is that we believe in connecting people so deeply that
10 anything that allows us to connect more people more often is *de facto*
11 good.

12 248. This memorandum was dated June 18, 2016 which was six days after the Pulse
13 nightclub attack, four days after a lawsuit against Facebook was filed concerning the November
14 13, 2015 terror attack in Paris, and a few days after it became widely reported that Omar Mateen
15 had used Facebook before and during the Pulse attack. Clearly, the timing of this memo indicates
16 that Facebook was well aware that its site was being used by ISIS for terrorist activities and
17 Facebook was putting growth over people being harmed in terrorist attacks.

18 249. In April, 2018, Facebook CEO Mark Zuckerberg testified before Congress. During
19 the testimony, Facebook admitted that it was responsible for content:

20 SULLIVAN: But you said you're responsible for your content, which makes
21 ...

22 ZUCKERBERG: Exactly.

23 SULLIVAN: ... you kind of a publisher, right?

24 ZUCKERBERG: Well, I agree that we're responsible for the content, but
25 we don't produce the content. I — I think that when people ask us if we're a
26 media company or a publisher, my understanding of what — the heart of
27 what they're really getting at, is do we feel responsibility for the content on
28 our platform.

The answer to that, I think, is clearly “yes.” And — but I don't think that
that's incompatible with fundamentally, at our core, being a technology
company where the main thing that we do is have engineers and build
products.

H. Google's Services

250. Google provides sophisticated yet easy-to-use online products and services (collectively, "Services"), including the online video platform known as "YouTube."

251. Google's Services include the use of Google's computer infrastructure, network, applications, tools and features, communications services, and more.

252. Google's sophisticated platform ("Platform") is comprised of highly advanced software, algorithms, computer servers and storage, communication devices, computer applications and more.

253. Google's Platform is created, based upon, and derived from scientific, technical or other specialized knowledge.

254. Google also provides additional specialized tools and features as part of its Services and Platform, including: "Social Plugins" for integrating Facebook with external websites; "Badges" for sharing information on external websites; various smartphone applications; other tools for monitoring, scheduling, and creating alerts; and more.

255. Google's Services and Platform thus extend beyond providing or performing traditional services of a publisher.

256. Unlike traditional internet websites and "bulletin board"-type services (such as "Craig's List" or "Backpage"), which receive and publish advertisements or notices submitted by users or the public, Google's Platform functions as a technological tool in the hands of its users that enables users to establish their own YouTube "channels" or "accounts," and to serve as self-publishers of content on their own "channels" or "accounts."

257. Google does not hold itself out as an editor, publisher, or speaker of the content its users publish on their own "channels" or "accounts."

1 258. Certain uses or features of Google’s Services are only available to its registered users,
2 who register and establish an account with Google by inputting identifying information and clicking
3 on a “sign up” button.

4 259. For example, only registered users may establish a YouTube “channel,” post videos
5 on Google’s YouTube platform, or post comments on the page of a YouTube channel or video.

6 260. Google publicizes on the YouTube website a statement of “Terms of Service” for the
7 use of the YouTube platform and services.

8 261. Google represents that these Terms of Service “form a legally binding agreement
9 between [the user] and YouTube in relation to [the user’s] use of the Service.”

10 262. Regarding content submitted to YouTube by users, the Terms of Service state in part:
11 “You retain all of your ownership rights in your Content, but you are required to grant limited license
12 rights to YouTube and other users of the Service.”

13 263. Google requires users to provide certain identifying information in order to register
14 and obtain a Google account, which normally includes the user’s name, a working telephone number
15 and a valid email address.

16 264. Among Google’s purposes of requiring identifying information for registration is to
17 enable Google to use verification processes to determine the identity of the user, reduce the
18 occurrence of fraudulent Google accounts, identity theft, and similar deceptive practices.

19 265. Google does not publish the user’s identifying information provided for registration.

20 266. Unless a user employs technological masking or deceptive means to disguise the
21 user’s physical location when registering for a Google account, Google normally can and does
22 determine and record the approximate geographic location of the user at the time of registration
23 based upon the Internet Protocol (“IP”) address and similar data automatically available to Google
24 about the user.

1 267. Thus, for example, unless a user in Syria or Iraq employs a technological masking or
2 deceptive means to disguise the user's physical location when registering for a Google account,
3 Google normally can and does determine and record that the user is located in Syria or Iraq.

4 268. The identifying information, IP address, geographical information, and other data
5 collected by Google for determining the identity of the user can also be used by Google to determine
6 whether the user has or has had other Google accounts as well.

7 269. Is it not necessary to view the "Terms of Service" or other policies or conditions of
8 Google's Services to proceed with registration.
9

10 270. Google does not require users to specify the content they intend to publish using
11 Google's Services and Platform when they register, nor does Google pre-screen user registrations
12 based upon such anticipated content.

13 271. Google users themselves publish content on their own YouTube channels or accounts
14 using Google's Services and Platform.

15 272. Google does not preview or edit content published by users to their own YouTube
16 channels or accounts.
17

18 273. When a user publishes content to the user's YouTube channel or account, the content
19 is published in "real-time" or nearly "real-time."

20 274. When a Google user publishes content on his own YouTube channel or account,
21 other Google users or viewers do not attribute such content to Defendant Google, nor do they
22 consider Google to be the speaker or publisher of such content.

23 275. Google has expended and continues to expend enormous sums of money to develop,
24 operate, and update its Platform and Services, which it provides to registered users free of charge.
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1 276. The Platform and Services that Google provides to its users free of charge are very
2 valuable to users, who could not replicate all the benefits received from Google without enormous
3 financial investment.

4 277. Google's free provision of its Platform and Services to users thus enables users to
5 obtain these benefits while freeing-up money and other resources to spend on other items or
6 activities.

7 278. Google's YouTube platform can be used to post and distribute videos publicly, or
8 privacy settings are available to enable users to communicate, share, or distribute videos or messages
9 privately.

10 279. Google enables registered users to "subscribe" to YouTube "channels" in order to
11 receive notifications of new videos or messages posted on those channels.

12 280. Google generally provides its YouTube platform and services to registered users free
13 of charge.

14 281. Google permits users to create multiple YouTube channels accounts and to subscribe
15 to hundreds (if not an unlimited number) of YouTube channels.

16
17
18 **I. ISIS and YouTube**

19 282. ISIS has used YouTube as an extremely effective means of announcing and releasing
20 its propaganda materials, which include music, speeches, graphic acts of violence, full-length videos
21 and more, presenting an image of technical sophistication and advanced media capabilities.

22 283. Indeed, in an effort to appear as if Google is complying with U.S. federal law,
23 Google's own terms and policies ostensibly bar ISIS and other foreign terrorist organizations and
24 individuals designated under U.S. law from using Google, and Google has publicly claimed that it
25 does not permit ISIS to use Google's Platform and Services.
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1 284. However, in practice, Google has nevertheless knowingly provided its Platform and
2 Services to ISIS, its members, and affiliates, as well as other foreign terrorist organizations and
3 individuals designated under U.S. law.

4 285. Thus, by falsely representing that it does not permit ISIS to use Google's Platform
5 and Services when in fact it has knowingly continued to provide its Platform, Services and accounts
6 to ISIS, Google has concealed and disguised the nature, location, source, or ownership of material
7 support or resources, knowing that they are used in preparation for, or in carrying out, criminal
8 terrorist activity.
9

10 286. The value of Google's Platform and Services to ISIS is demonstrated by the many
11 YouTube channels and accounts maintained and used by ISIS, its members, and affiliates to promote
12 and carry out activities of ISIS, and the many ISIS videos these users post on YouTube.

13 287. These ISIS-affiliated YouTube channels, accounts, and videos openly display the
14 emblems and symbols of ISIS and its affiliated entities.
15

16 288. The members and affiliated entities of ISIS are so identified with and controlled by
17 ISIS that one who provides material support or resources to any of them is in fact providing material
18 support and resources to ISIS.

19 289. In November 2006, following the development of YouTube, ISIS (then known as
20 AQI/ISI) announced the establishment of its "*al-Furqan* Institute for Media Production" ("*al-*
21 *Furqan* Media"), which was to produce more professional and stylized video and other materials to
22 be disseminated through online platforms.
23

24 290. *Al-Furqan* Media's logo appears as follows:
25
26
27
28



Figure 15 Al-Furqam Logo

291. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a milestone on the path of Jihad; a distinguished media that takes the great care in the management of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the Crusaders’ media.”⁴⁶

292. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described the extensive scope of the office’s operations as follows:

“[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-related propaganda products and contained documents clearly identifying al Qaeda in Iraq[ISI]’s intent to use media as a weapon.

...

The building contained 65 hard drives, 18 thumb drives, over 500 CDs and 12 stand-alone computers . . . In all, this media center had the capacity of reproducing 156 CDs in an eight-hour period and had a fully functioning film studio.

...

[U.S. forces also found] a sampling of other propaganda documents: a letter that gives instructions on how to use the media to get out the al Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report highlighting car bomb, suicide, missile, mortar, sniping and IED [improvised explosive device] attacks; a propaganda poster that encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on coalition forces; and a pamphlet and a CD cover of their sniper school.”⁴⁷

⁴⁶ See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War Journal* (Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php.

⁴⁷ *Id.*

293. ISIS's *al-Furqan* Media has used YouTube extensively to distribute its video propaganda online.

294. In 2013, ISIS began a dramatic new expansion of its media production capabilities and exploitation of YouTube and other social media.

295. In March 2013, ISI announced the formation of a second ISI media production arm known as "*al-I'tisam* Media Foundation" ("*al-I'tisam* Media"), in addition to its already well-established *al-Furqan* Media.

296. *Al-I'tisam* Media's logo appears as follows:

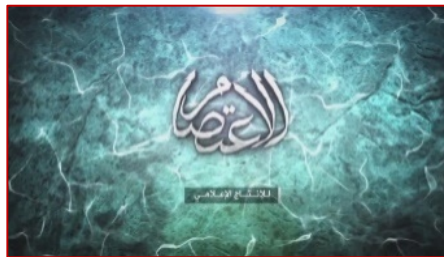


Figure 16 *Al-I'tisam* Media's logo

297. In August 2013, ISIS announced the formation of a third media production arm, the "*Ajnad* Foundation for Media Production" (the "*Ajnad* Foundation"), specializing in audio content that would also be distributed via YouTube as music videos, Islamic inspirational songs ("*nashids*") that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be posted on YouTube.

298. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions and excitement prior to carrying out an attack.

299. The *Ajnad* Foundation's logo appears as follows:



Figure 17 Ajnad Foundation's Logo

300. The ISIS *nashids* have become an increasingly vital part of ISIS's identity and propaganda, appearing in practically every form of ISIS YouTube video, including training videos, videos of executions, and recruiting videos.⁴⁸

301. YouTube videos of ISIS *nashids* have generated hundreds of thousands of views.⁴⁹

302. At the end of 2014, *New Republic* magazine declared ISIS's "Dawlat al-Islam Qamat" *nasheed* to be "The Most Influential Song of the Year."⁵⁰

303. In May 2014, ISIS launched a fourth media production department named "*al-Hayat* Media Center" ("*al-Hayat* Media") specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with other internet platforms.

304. *Al-Hayat* Media's logo appears as follows:

⁴⁸ See Bryan Schatz, "Inside the World of ISIS Propaganda Music," *Mother Jones* (Feb. 9, 2015), <http://www.motherjones.com/politics/2015/02/isis-islamic-state-baghdadi-music-jihad-nasheeds/>.

⁴⁹ *Id.*

⁵⁰ Simon R. Gardner, "The Islamic State Produced the Most Influential Song of the Year," *New Republic* (Dec. 31, 2014), <https://newrepublic.com/article/120665/islamic-states-dawlat-al-islam-qamat-most-influential-song-2014>.



Figure 18 Al-Hayat Media's Logo

305. With its highly developed media production departments and various branded media outlets, ISIS has been able to create and distribute via YouTube video propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

306. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms of its quality and quantity.”⁵¹

307. Essential to the success of its media and terror campaigns—and to the success of ISIS—has been ISIS’s use of YouTube to disseminate its videos and messages and execute its propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production departments described above have used YouTube for this purpose.

308. ISIS has used YouTube to disseminate videos of its brutality and conquests as a psychological weapon to strike fear in its enemies.

309. For example, in October 2013, ISIS used YouTube to post a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers, which served to intimidate soldiers in the Iraqi army.

⁵¹ Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

310. The following is an ISIS graphic promoting ISIS's October 2013 Abu Ghraib video:



Figure 19 ISIS Graphic Promoting Abu Gharib Video

311. In contrast to the days before the development of YouTube, when al-Zarqawi was limited to releasing short, low-quality videos, on websites that could only handle limited traffic, Google's YouTube platform and services provide ISIS with the ability to produce and disseminate professional-quality feature films of any length to an unlimited audience.

312. For example, on March 17, 2014, ISIS's *al-I'tisam* Media used YouTube to release an hour-long highly-graphic video titled, "The Clanging of the Swords 4," produced by ISIS's *al-Furqan* Media.

313. The terrorism analysis website Jihadica.com reported that within 24 hours of the video's publication on YouTube, "The Clanging of the Swords 4" had been viewed 56,998 times.⁵²

314. ISIS has used YouTube to raise its profile among terror groups and even overtake older jihadist competitors like *al-Qaeda*.

⁵² Nica Prucha, "Is this the most successful release of a jihadist video ever?" Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

1 315. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-
2 Muslims, with the effect of instilling fear and terror in the “non-believers” while encouraging others
3 to join in ISIS’s cause.

4 316. ISIS also uses YouTube to communicate with ISIS “sympathizers” and to provide
5 them with directions as well.

6 317. ISIS has engaged and continues to engage, in horrific terrorist atrocities against
7 civilians/non-combatants in every area it has operated, and has posted videos of such activity on
8 YouTube to spread even more fear.

9 318. ISIS has kidnapped innocent civilians and made various demands for their release,
10 and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of
11 its enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the
12 purpose of posting videos of these atrocities on YouTube.

13 319. ISIS has directed and overseen the systematic rape and enslavement of captive
14 women and girls and has conducted a program of genocide against religious and ethnic groups, even
15 promoting the sale of women as slaves on YouTube.

16 320. ISIS has enforced its own strict interpretations of Islamic law in the areas it has
17 captured, meting out punishments including whipping, amputation, and death to those who fail or
18 refuse to comply, again using YouTube to post videos praising these punishments.

19 321. ISIS has paraded captives before cameras and forced them to give statements for ISIS
20 propaganda, and it has become infamous for its use of YouTube to broadcast worldwide its cruel
21 and ever-unusual executions of captives for their shocking and terror-inducing effect.

22 322. Using YouTube and other social media, ISIS has recruited, and continues to recruit,
23 individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks
24 and participating in its terrorist activities and atrocities.

1 323. Tens of thousands of people from around the world have viewed ISIS’s propaganda
2 on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.

3 324. ISIS’s use of YouTube has enabled the terrorist organization to produce and
4 distribute high-quality videos by dedicated professional ISIS media personnel.

5 325. For example, in June 2014, ISIS’s *al-Hayat* Media used YouTube to launch and
6 propagate a series of videos called the “MujaTweets,” claiming to show “snippets of day-to-day life
7 in the ‘Islamic State’” to portray life under ISIS as peaceful and normal.

8
9 326. The Huffington Post described the quality of ISIS’s propaganda videos as follows:⁵³

10 When it comes to producing recruitment and propaganda
11 videos...unaffiliated supporters leave room to a much smaller group of
12 official ISIS members. This mainly consists of professional filmmakers
13 working directly for the Islamic State. Their use of high definition video
14 cameras, slick graphics and refined editing techniques has elevated the
15 quality of the videos produced to Hollywood standards. One series of video
16 clips called Mujatweets, released by ISIS’ media arm on YouTube, portrays
17 a number of ISIS militants as they engage in noble activities such as visiting
18 an injured fighter at the hospital or distributing candies to some children.
19 Episodes are filmed in HD, contain sophisticated graphics and logos, and
20 include English subtitles—a sign of how the message is explicitly intended
21 for second generation immigrants, especially the young.

22 327. In September 2014, ISIS used YouTube to release an animated recruitment video set
23 to the entrancing sounds of ISIS’s militant Islamist *nasheed* chant and titled “Grand Theft Auto:
24 *Salil al-Sawareem* [‘Clanging of the Swords’],” ostensibly announcing the release of an ISIS video
25 game modeled after a famous PlayStation interactive video game titled “Grand Theft Auto” that
26 sold 27.5 million copies.

27 ⁵³ Alessandro Bonzio, “ISIS’ Use of Social Media Is Not Surprising; Its Sophisticated Digital
28 Strategy Is,” The Huffington Post (Nov. 14, 2014), http://www.huffingtonpost.co.uk/alessandro_bonzio/isisuseofsocialmedia_b_5818720.html.

328. The following are screen clips from the ISIS YouTube video “Grand Theft Auto: Salil al-Sawareem:



Figure 20 ISIS YouTube video “Grand Theft Auto: Salil al-Sawareem



Figure 21 ISIS YouTube video “Grand Theft Auto: Salil al-Sawareem

329. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train children and youth how to battle the West and to strike terror into the hearts of those who oppose the Islamic State.”⁵⁴

330. Through its use of YouTube and other social media, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

⁵⁴ Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” Al Arabiya News (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>.

1 331. ISIS has used YouTube to indoctrinate and radicalize potential recruits and
2 followers, providing a constant stream of religious teachings, mantras, and images showing the
3 “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-
4 Sunni Muslims

5 332. ISIS has used YouTube to indoctrinate and provided training to these recruits, and
6 has sent many of them to return to their home countries to carry out terrorist attacks there.

7 333. ISIS has also used and continues to use, YouTube to solicit and recruit individuals
8 to remain in their home countries to carry out terrorist attacks there.

9 334. These efforts have been particularly directed at citizens of countries participating in
10 efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France,
11 Belgium, Turkey, and Russia, and ISIS has also used YouTube to provide indoctrination, training,
12 and inspiration to these recruits to carry out terrorist attacks.

13 335. ISIS’s use of violence against civilians is politically motivated and intended to
14 intimidate and coerce the civilian populations where it carries out such violence, to influence the
15 policies of governments, and to affect the policy of governments through kidnapping, assassination,
16 and mass destruction.

17 336. ISIS has used YouTube to indoctrinate and radicalize potential recruits and
18 followers, providing a constant stream of religious teachings, mantras, music videos, and other
19 images showing the “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly
20 Christians, Jews, and non-Sunni Muslims.

21 337. ISIS has used YouTube to exaggerate its expansion territorially by disseminating
22 videos with maps showing areas ISIS claims to control as well as other regions where other groups
23 have allegedly pledged allegiance to ISIS.

338. ISIS has used YouTube to generate sympathy by showing images of women and children allegedly injured or killed by the enemies of ISIS.

339. ISIS uses YouTube as a psychological weapon to project strength, brutality, superiority, and invincibility, and to instill fear, awe, and terror.

340. ISIS regularly records the executions of large groups of local prisoners in order to intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and produced with drama and set to music, “go viral” on the internet and into the mainstream media.

341. ISIS also used YouTube to post a series of videos of beheadings together with political messages and warnings to the West.

342. On August 19, 2014, ISIS used YouTube to post a video in English titled “A Message to America,” showing the beheading of American journalist James Foley by a hooded man with a British accent, later known as “Jihadi John.”

343. The following are screen clips from the August 19, 2014 video:



Figure 22 Clip from “A Message to America”



Figure 23 Clip from “A Message to America”

344. In the YouTube video of Foley's murder, ISIS also showed another captive American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks against ISIS.

345. On September 2, 2014, ISIS used YouTube to post a video titled "A Second Message to America," showing the beheading of Steven Sotloff, and threatening to murder Britain David Hanes.

346. The following are screen clips from the September 2, 2014 video:



Figure 24 Clip from "A Second Message to America"



Figure 25 Clip from "A Second Message to America"

347. On September 13, 2014, ISIS used YouTube to post a video titled "A Message to the Allies of America," showing the beheading of David Haines, a British aid worker, and threatening to murder Britain Alan Henning.

348. The following is a screen clip from the September 13, 2014 video:



Figure 26 Clip from “A Message to the Allies of America”

349. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

350. The following is a screen clip from the October 3, 2014 video:



Figure 27 Clip from “Another Message to America and its Allies”

351. On November 16, 2014, ISIS used YouTube to post a video titled “Although the Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various terrorist leaders of these “provinces.”

352. The following are screen clips from the November 16, 2014 video:



Figure 28 Clip from “Although the Disbelievers Will Not Like It”



Figure 29 Clip from “Although the Disbelievers Will Not Like It”

353. The video shows action scenes of Christians, Shiite Muslims, and Americans being killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy attacks.

354. The video continues with a procession of about 18 bound captives said to be Syrian pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the sound of the militant ISIS *nashid* musical chant familiar to many ISIS videos.

355. The following are additional screen clips from the November 16, 2014 video:





Figure 30 Clips from “Although the Disbelievers Will Not Like It”

356. Just before the beheading is shown in the video, ISIS executioner “Jihadi John” makes the following statement:

“To Obama, the dog of Rome, today we are slaughtering the soldiers of [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering your soldiers. And with Allah’s permission we will break this final and last crusade. And the Islamic State will soon, like your puppet David Cameron said, will begin to slaughter your people in your streets.”

357. After the beheadings, the video shows the bodies of the captives on the ground with their severed heads placed on their backs and pools of blood on the ground.

358. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of American Peter Kassig, as the terrorist announces another threat to America and its allies.

359. On February 3, 2015, ISIS’s *al-Furqan* Institute used YouTube to post a video titled “Healing a Believer’s Chest,” which showed Jordanian pilot Mu’adh Al-Kasasbeh (who had been captured by ISIS) being burned alive in a cage.

360. The following are scenes from the “Healing a Believer’s Chest” video that ISIS posted on YouTube:



Figure 31 Clips from “Healing a Believer’s Chest”

361. On February 15, 2015, ISIS used YouTube to post a video titled “A Message Signed With Blood To The Nation Of The Cross,” showing the beheading of 21 Coptic Christian men ISIS had captured in Libya.

362. The following is a screen clip from the February 15, 2015 video:



Figure 32 Clip from “A Message Signed With Blood To The Nation Of The Cross”

363. ISIS has also used YouTube to post videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

364. ISIS’s ability to use YouTube to disseminate around the world its message, evidence of its atrocities, and an image of invincibility, not only intensifies the intimidation it creates but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

365. ISIS has also used YouTube to raise funds for its terrorist activities.

366. ISIS has used YouTube to inflame Muslim emotions and incite violence against non-Muslims and to glorify terrorist “martyrs” and *jihad*.

1 376. The sophisticated technological capabilities that Google's Services give to ISIS have
2 had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training,
3 conducting terrorist operations, and engaging in psychological warfare.

4 377. As part of an illegal terrorist organization, ISIS leaders and operatives must often
5 operate secretly and keep their specific whereabouts hidden to avoid being captured or killed, and
6 thus their ability to personally meet with or communicate directly with other ISIS members and the
7 public is normally severely limited.

8 378. Through Google's Platform and Services, ISIS leaders, operatives, and recruits are
9 able to make themselves available to ISIS for ISIS's terrorist activities.

10 379. Thus, through its actions, Google has aided and abetted, conspired, and provided
11 personnel to ISIS by making ISIS leaders, operatives, and recruits available to ISIS to conspire,
12 plan, prepare and carry out terrorist activity.

13 380. In addition, Google has enabled ISIS to continue these activities by concealing its
14 own provision of material support and resources to ISIS, as well as the material support and
15 resources provided by ISIS leaders, members, affiliates and recruits to ISIS via Google's Platform
16 and Services.

17 **IV. ISIS'S NOVEMBER 13, 2015 PARIS ATTACK**

18 **A. Introduction**

19 381. On November 13, 2015, ISIS carried out coordinated horrific terror attacks across
20 Paris, France, murdering 130 people, and injuring over 400 more, including Mandy Palmucci (the
21 "Paris Attack").

22 382. The Paris Attack was intended: a) to intimidate and coerce the civilian populations
23 of France, the United States, and other countries engaged in activities against ISIS; b) to influence
24

1 the policies of these governments by intimidation and coercion; and c) to affect the conduct of these
2 governments by mass destruction, assassination, and kidnapping.

3 383. Indeed, a major component of the Paris Attack was the messaging disseminated by
4 ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist
5 attack against these countries' civilians.

6 384. The Paris Attack involved extensive planning, recruiting, organization, training,
7 preparation, coordination, and funding.

8 385. It also involved the use of Defendants' platforms, before and after the attack, to
9 intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.
10

11 386. ISIS used Defendants' platforms and services to facilitate and accomplish all of these
12 things.

13 **B. Recruiting and Planning**

14 387. The Paris Attack involved three coordinated teams of ISIS terrorists that carried out
15 terrorist attacks in Paris in the evening of November 13, 2015.
16

17 388. To date, the following twelve ISIS terrorists have been identified as being directly
18 involved in the Paris Attacks:

- 19 A. Abdelhamid Abaaoud (a Belgian national);
- 20 B. Brahim Abdeslam (a Belgian national);
- 21 C. Chakib Akrouh (a Belgian national);
- 22 D. Bilal Hafdi (a French citizen who lived in Belgium);
- 23 E. Ahmed al-Mohamed (believed to be an Iraqi);
- 24 F. M. al-Mahmod (believed to be an Iraqi);
- 25 G. Omar Ismail Mostefai (a French national);
- 26 H. Sami Amimour (a French citizen);

1 I. Foued Mohammed Aggad (a French national);

2 J. Salah Abdeslam (a Belgian-born French national);

3 K. Mohamed Belkaid (believed to be Algerian); and

4 L. Najim Laachraoui (a Moroccan-born resident of Belgium).

5 389. Belgium has been called “the epicenter of the Islamic State’s efforts to attack
6 Europe.”

7
8 390. A number of *jihadi* recruiting networks for ISIS have been very active and
9 successful, enticing and sending hundreds of young Muslim men in the last 5-6 years to travel to
10 Syria and Iraq to join ISIS.

11 391. By the time of the Paris Attack, Belgium was the country with the highest number
12 per capita of recruits to travel to Syria and Iraq to join ISIS among all Western countries.

13 392. Among the most active and successful ISIS recruiting networks in Belgium were:

14 A. Sharia4Belgium, founded by Antwerp-based radical Islamist Fouad Belkacem (a/k/a
15 Abu Imran) (“Belkacem”) with the inspiration and endorsement of London-based
16 radical Islamist Anjam Choudary (“Choudary”);

17
18 B. Resto du Tawhid, founded in Brussels by a Belgian Muslim-convert named Jean-
19 Louis Denis (“Denis”); and

20 C. “The Zerkani Network,” centered around the Molenbeek area of Brussels by radical
21 Islamist Khalid Zerkani (“Zerkani”).

22 393. Choudary was a founding member of an extreme Islamist organization called *al-*
23 *Muhajiroun*, which held a conference in 2002 titled “The Magnificent 19,” praising *al-Qaeda*’s 9/11
24 Attack on the United States, and was linked to multiple terror plots in Britain.

25 394. In 2010 and 2014, Britain banned *al-Muhajiroun* and other groups led by Choudary,
26 including Islam4UK, under the U.K. Terrorism Act of 2000.

1 395. Choudary openly supported ISIS and *jihad* through speeches and social media,
2 especially YouTube, Twitter, and Facebook.

3 396. After ISIS's announcement of the Islamic caliphate in 2014, Choudary declared his
4 allegiance to the Islamic State, and stated to the press that ISIS's leader Abu Bakr is "the caliph of
5 all Muslims and the prince of the believers."⁵⁵

6 397. Choudary is considered to have played a major role in recruiting more than 500
7 Britains to travel to Syria and Iraq to join ISIS.

8 398. Choudary was arrested in September 2014, and was subsequently convicted under
9 the U.K. Terrorism Act of 2000 for inviting support of ISIS.

10 399. Choudary was personally named as a Specially Designated Global Terrorist
11 ("SDGT") on March 30, 2017 because of his connection to ISIS.

12 400. Belkacem was an admirer of Choudary, and founded Sharia4Belgium after seeking
13 his advice.

14 401. Belkacem operated Sharia4Belgium as an intense Islamist activist and indoctrination
15 center, with one of its central goals being to recruit young Muslims to travel to Syria and Iraq to join
16 ISIS.⁵⁶

17 402. In early 2015, Belkacem was convicted for recruiting and sending terrorists to join
18 ISIS in Syria and Iraq, and sentenced to twelve years imprisonment.

19 403. Forty-four other members of Sharia4Belgium were also tried together with
20 Belkacem, although only seven of those were present at the trial.

21
22
23
24
25 ⁵⁵ Andrew Anthony, "Anjem Choudary: the British extremist who backs the caliphate," *The*
26 *Guardian* (Sept. 7, 2014), <https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islam>
[ic-state-isis](https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islam).

27 ⁵⁶ Ben Taub, "Journey to Jihad: Why are teen-agers joining ISIS?" *The New Yorker* (Jun. 1, 2015),
28 <http://www.newyorker.com/magazine/2015/06/01/journey-to-jihad>.

1 404. The remaining defendants in Belkacem's trial were tried in absentia, most presumed
2 to still be in Syria or possibly killed.

3 405. Belkacem's 44 co-defendants were also convicted of terrorism offenses, and given
4 sentences of between three and fifteen years imprisonment (with some sentences suspended).

5 406. After Belkacem's arrest, radical Islamist Hicham Chaib (a/k/a Abu Hanifa al-Baljiki)
6 ("Chaib"), served as a leader of Sharia4Belgium.

7 407. Denis was also arrested and convicted of recruiting for ISIS, and was sentenced in
8 January 2016 to ten years imprisonment.

9 408. Zerkani operated his recruitment network in the Brussels area, using petty crime to
10 fund the recruitment of *jihadis* for ISIS.

11 409. Zerkani was known for providing fake documentation and thousands of Euros in cash
12 to recruits who traveled to Syria and Iraq to joining ISIS, and putting them in touch with contacts to
13 smuggle them across the border from Turkey to Syria.

14 410. In July 2015, a Belgian criminal court convicted and sentenced Zerkani to 12 years
15 imprisonment for recruiting for ISIS, and his sentence was extended to 15 years in April 2016 by an
16 appeals court.

17 411. As with Belkacem, Zerkani was tried together with many other co-defendants
18 charged with terrorism offenses related to recruiting and sending young Muslims to Syria to join
19 ISIS.

20 412. Twenty-eight of Zerkani's co-defendants were convicted and sentenced, although 14
21 of those convicted were tried in absentia because they were presumed to still in Syria or possibly
22 killed.

413. Among those convicted in absentia at the Zerkani trial in July 2015 were Abaaoud and Laachraoui, two ISIS terrorist who would later to instrumental in the Paris Attack in November 2015.

414. Each of these networks—Sharia4Belgium, Resto du Tawid, and “The Zerkani Network”—used and relied on social media to build and maintain connections with ISIS recruits, and as Belgian recruits arrived in Syria and Iraq, these recruits served to influence others from their Belgian communities to join ISIS as well.

415. Belkacem and Denis in particular used YouTube as a primary tool for indoctrination and recruitment to ISIS.

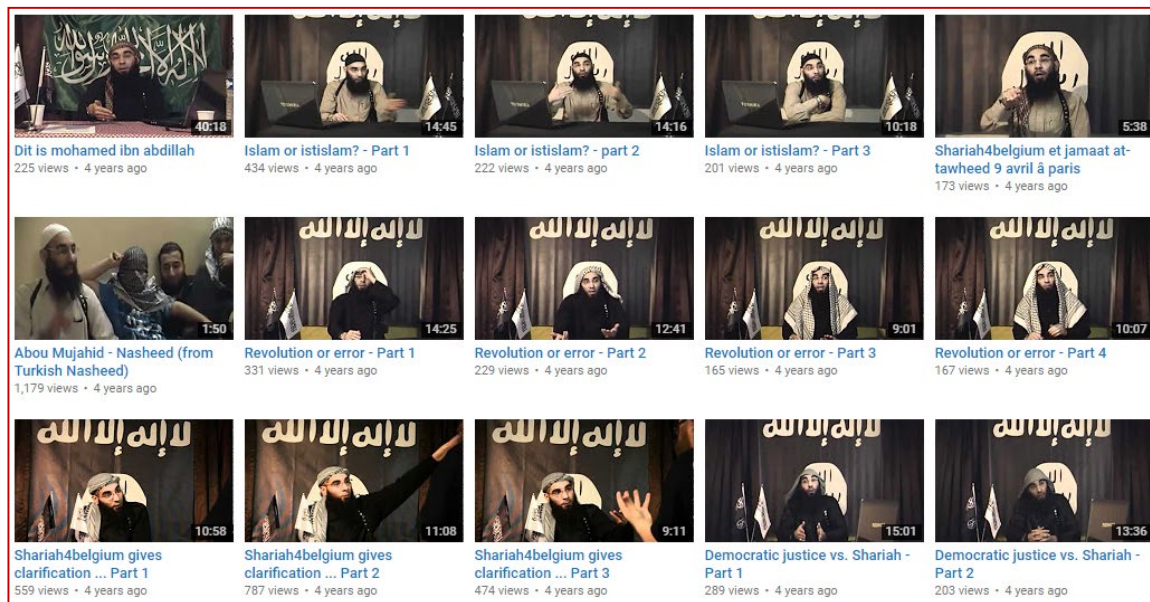
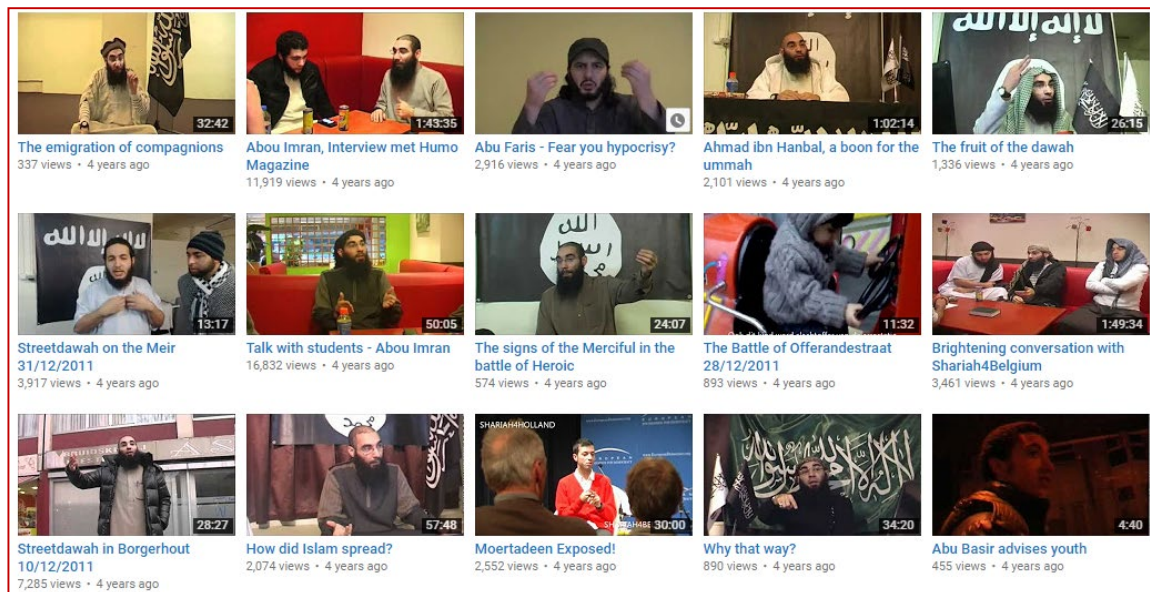
416. Belkacem’s Sharia4Belgium maintained several YouTube channels, which it used to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young Muslims to travel to Syria and Iraq to join ISIS.

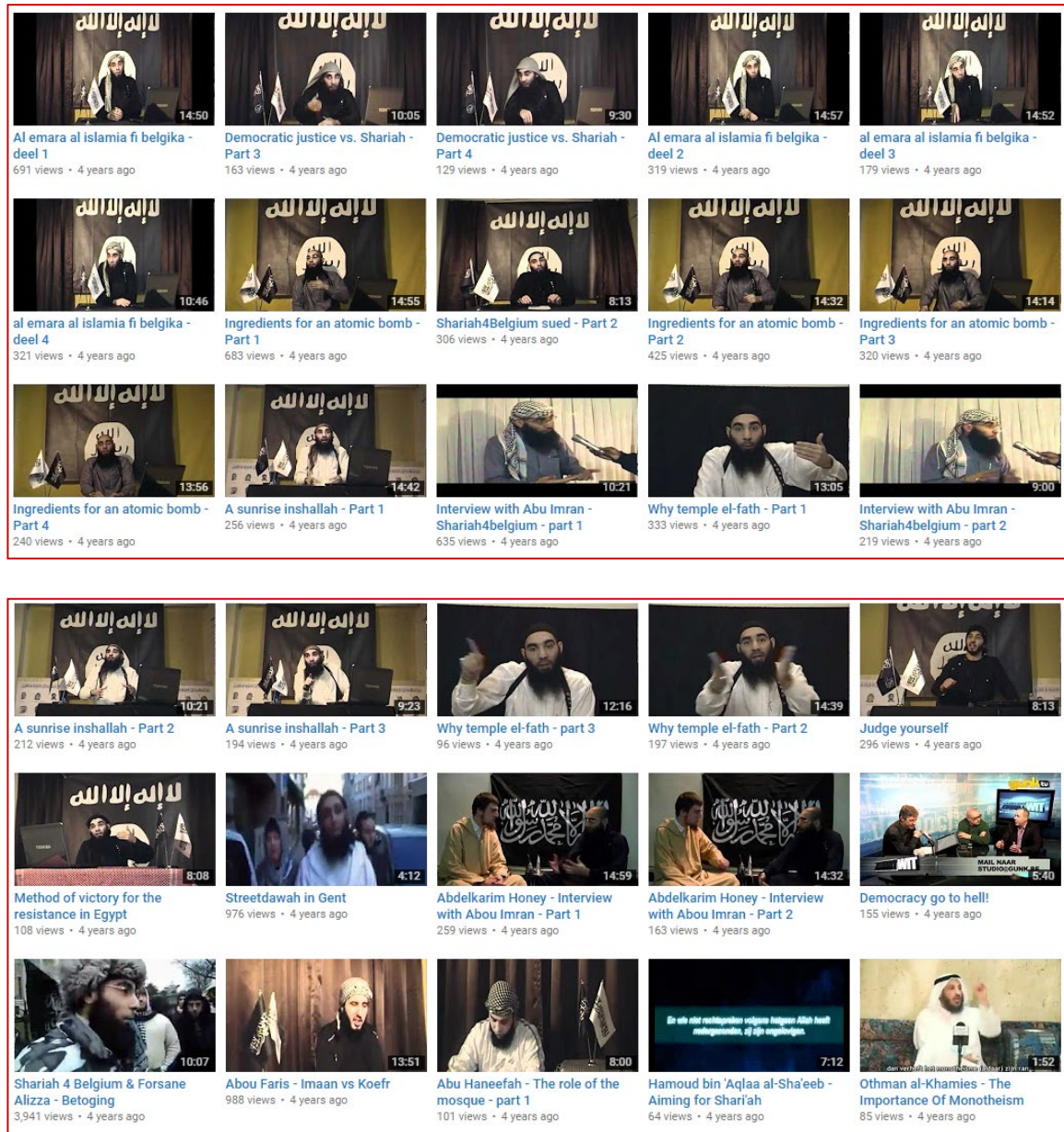
417. The following is a logo from one of Sharia4Belgium’s YouTube channels:

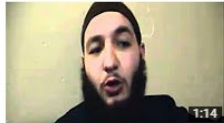
















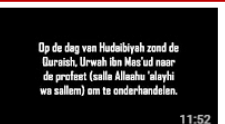
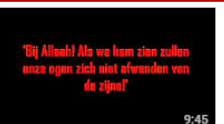
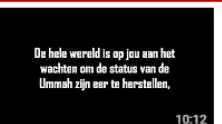












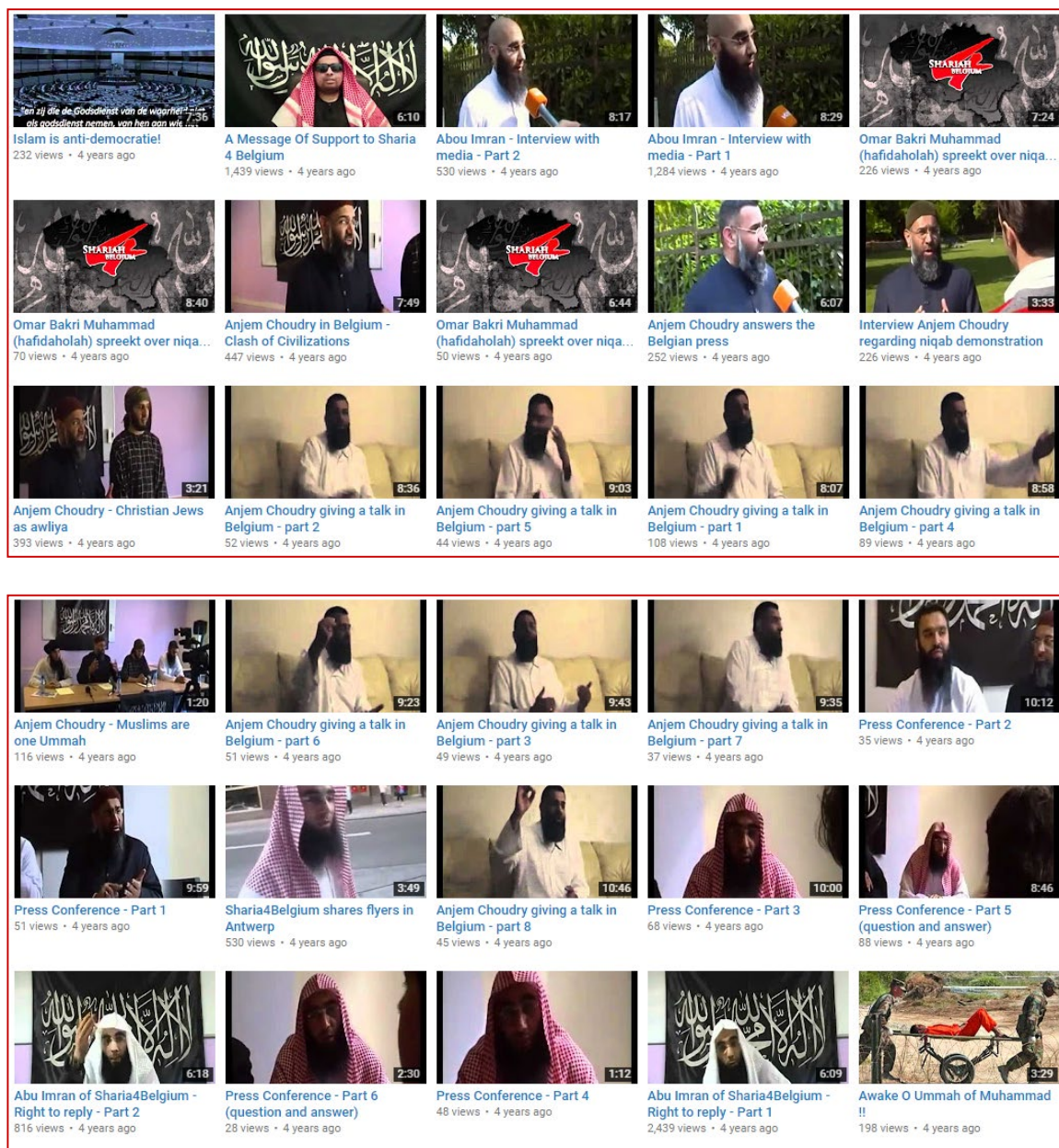
Figure 33 Logo from one of Sharia4Belgium’s YouTube channels

418. The following are screen clips from one of Sharia4Belgium’s YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):





				
Abou Bakr - A word of advice because the newly arrested... 166 views • 4 years ago	Gaza - After discomfort comes ease! 98 views • 4 years ago	Abu Haneefah - The role of the mosque - part 2 71 views • 4 years ago	Abou Imran vs Benno Barnard 6,333 views • 4 years ago	Abou Imran - Reaction to the school policy regarding the... 694 views • 4 years ago
				
Word of sympathy to Shariah 4 Belgium Younes al-Belgic 1,429 views • 4 years ago	Shariah 4 Belgium - Message of support to Shariah 4 Bangladesh 1,256 views • 4 years ago	Abou Imran - Call for young people 1,991 views • 4 years ago	Abou Imran - We continue to proclaim the Shariah - Part 1 1,943 views • 4 years ago	Abu Ali - They do not belong to the Ummah of Muhammad... 794 views • 4 years ago
				
Shariah 4 Belgium - Streetda'wa te Brussel 1,058 views • 4 years ago	Spoken Word - Rise and fall of the Ummah 253 views • 4 years ago	When O' prisoner 156 views • 4 years ago	Abdul-Jabbar van de Ven - Excellence of Jihad 600 views • 4 years ago	Burn the American flag 130 views • 4 years ago
				
Abou Imran - We continue to proclaim the Shariah - Part 2 482 views • 4 years ago	Shaykh Ibn Saalih Al-Uthaymeen - The disbelief of one who rules b... 170 views • 4 years ago	Shaykh Khalid Rashid - A Call To The Ummah - Part 2 139 views • 4 years ago	Shaykh Khalid Rashid - A Call To The Ummah - Part 1 248 views • 4 years ago	Shaykh Khalid Rashid - A Call To The Ummah - Part 3 121 views • 4 years ago
				
Abou Imran - A Ummah ... A body - Part 3 349 views • 4 years ago	Abou Imran - A Ummah ... A body - Part 1 316 views • 4 years ago	Abou Imran - A Ummah ... A body - Part 2 337 views • 4 years ago	Sharia4Belgium after the arrest during streetda'wa 2,187 views • 4 years ago	Censored 31 - Interview exclusive avec Abou Imran de Shariah 4... 5,036 views • 4 years ago
				
Abou Imran - TER verdediging van de Moslimgevangenen... 870 views • 4 years ago	Abou Imran - Message of support for Shariah 4 Australia 489 views • 4 years ago	Street Dawa - Borgerhout 26-06-10 - Part 1 848 views • 4 years ago	Street Dawa - Borgerhout 26-06-10 - Part 2 424 views • 4 years ago	Street Dawa - Borgerhout 26-06-10 - Part 3 817 views • 4 years ago



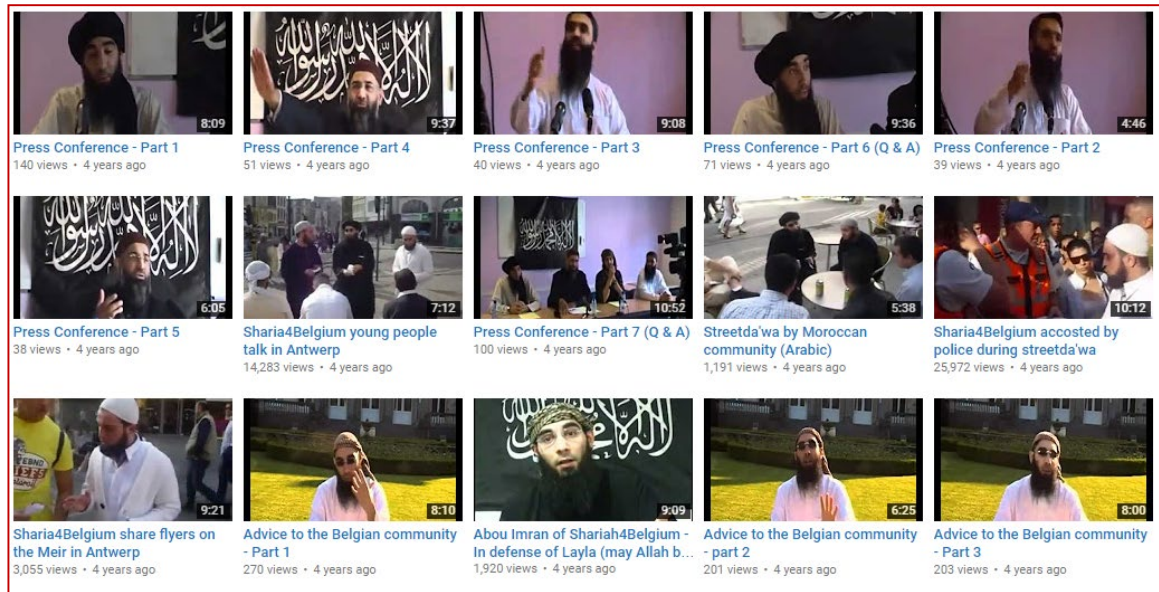


Figure 34 Screen clips from one of Sharia4Belgium's YouTube channels

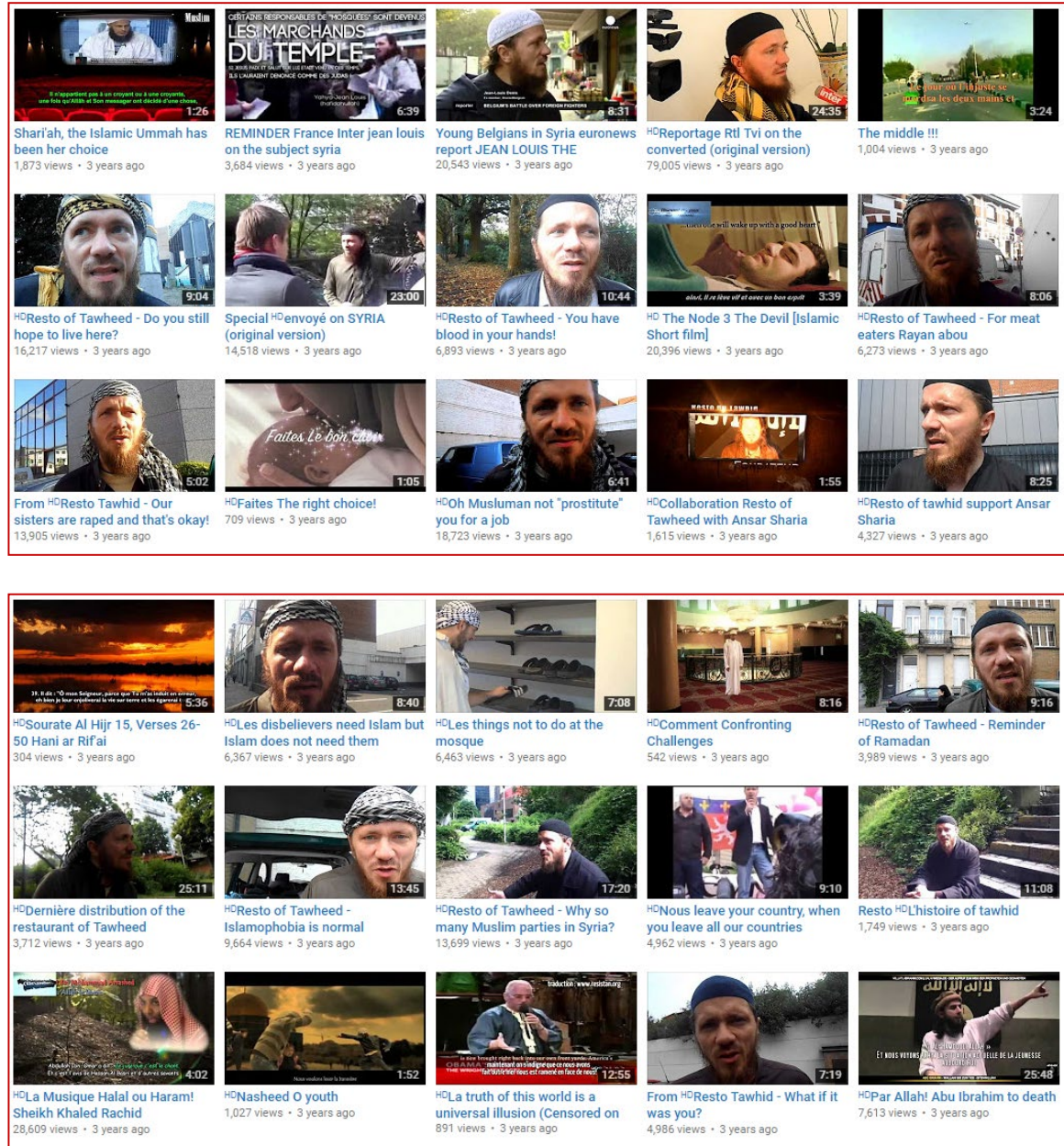
419. Denis's Resto du Tawid also maintained one or more YouTube channels as well, which was also used to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young Muslims to travel to Syria and Iraq to join ISIS.

420. The following is a picture of the banner from Denis's Resto du Tawid YouTube channel:



Figure 35 banner from Denis's Resto du Tawid YouTube channel

421. The following are screen clips from one of Sharia4Belgium's YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):



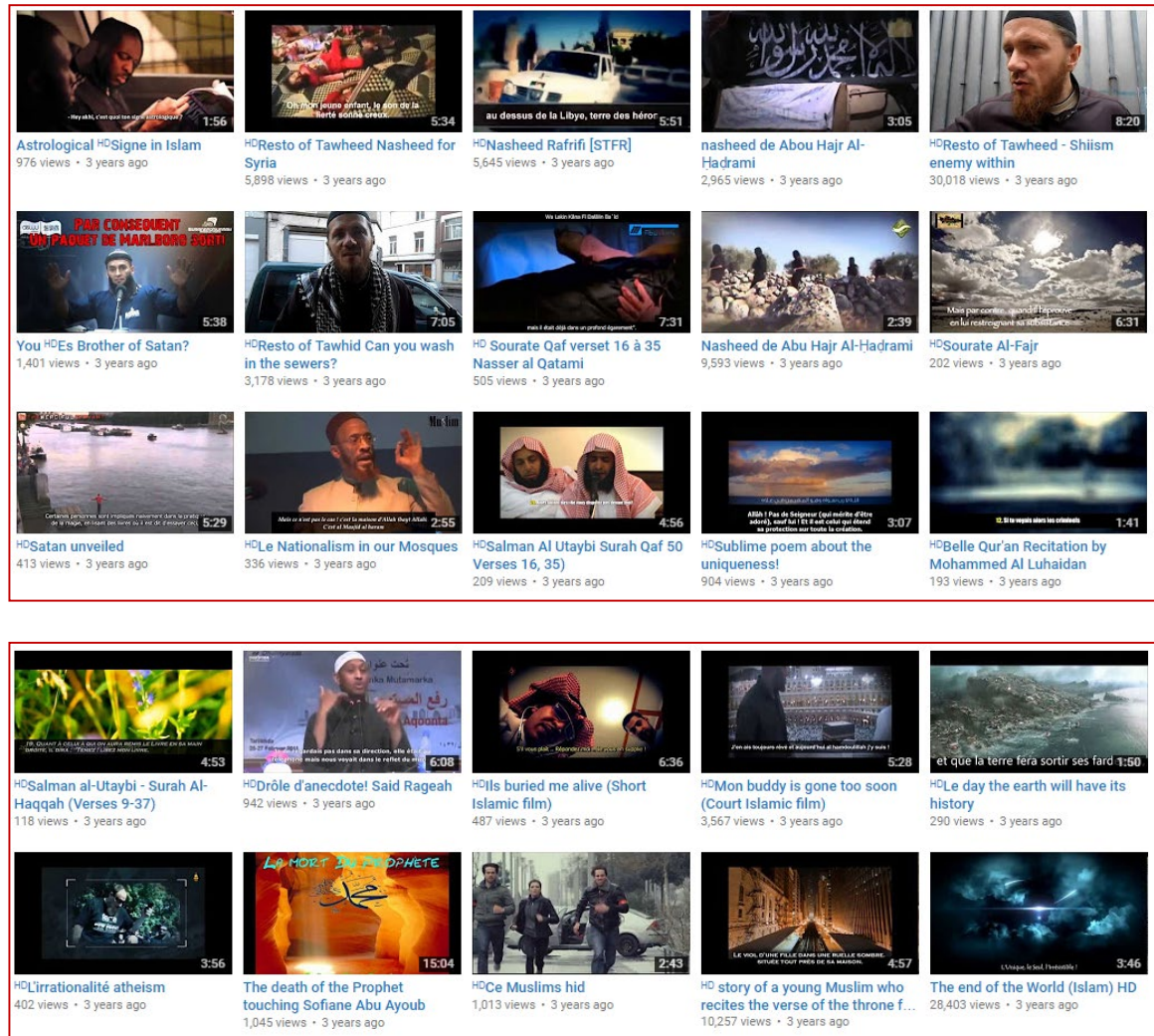


Figure 36 screen clips from one of Sharia4Belgium's YouTube channels

422. Although these three Belgian recruiting networks appear to have initially operated each within its own sphere, over time there was significant overlap and coordination among them.

423. Denis served as a key connection between Sharia4Belgium and “The Zerkani Network.”

424. Denis became the leader of the Brussels branch of Sharia4Belgium, and he and an assistant named Mohamed Khemir (“Khemir”) often participated in meetings together with Zerkani.

425. Khemir even accompanied Zerkani at least once when they brought a French recruit to the Brussels airport to travel to Syria.

1 426. Abaaoud, considered the operational leader of the Paris Attack, was among the
2 recruits of Zerkani.

3 427. Abaaoud was a dual Belgian-Moroccan national born in Brussels in 1987.

4 428. Between 2006 and 2012, Abaaoud was arrested several times, resulting in various
5 light sentences including community service, probation, and jail time.

6 429. After his release from jail in September 2012, Abaaoud became heavily involved in
7 the Zerkani Network, and by March 2013 Abaaoud traveled to Syria to join ISIS with six others
8 from Belgium.

9 430. Abaaoud joined ISIS and took on the names “Abou Omar al-Soussi” and “Abu Omar
10 al-Beljiki.”

11 431. Abaaoud was an active user of social media, including YouTube, Facebook, and
12 Twitter.

13 432. On or about July 15, 2013, Abaaoud opened a Facebook account under the name
14 “Abou Omar Soussi”.⁵⁷

15 433. Abaaoud mentioned ISIS as his affiliation on this Facebook account.

16 434. Abaaoud returned to Belgium about September 2013.

17 435. According to investigators, while back in Belgium, Abaaoud received a telephone
18 call from ISIS member Mehdi Nemmouche, a French national who carried out a terrorist attack in
19 May 2014 at a Jewish museum in Brussels, Belgium, murdering four people.

20 436. In January 2014, Abaaoud brought his 13-year-old brother Younes out of Brussels,
21 and the two traveled to Syria.

22
23
24
25
26 ⁵⁷ <https://emmejihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.

437. On or about February 8, 2014, Abaaoud posted the following picture of himself on his Facebook account with the message: “Abou Omar the Belgian in the trenches”:⁵⁸



Figure 37 Abaaoud Facebook Photograph

438. In March 2014, Abaaoud posted a link on his Facebook account to an ISIS recruiting video on YouTube in which Abaaoud and other ISIS members in Syria and Iraq appear, describing their life and role in ISIS.⁵⁹

439. The following are screen clips from the ISIS video on YouTube from March 2014 featuring Abaaoud:



⁵⁸ https://emmejjihad.files.wordpress.com/2014/03/1800367_1462846350604915_1158723451_n.jpg.

⁵⁹ Guy Van Vlieden, “More about 13 year old ISIS fighter from Belgium,” *emmejjihad: ExcuseMeMyEnglish—A research blog about jihad in and out of Belgium* (Mar. 27, 2014), <https://emmejjihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.

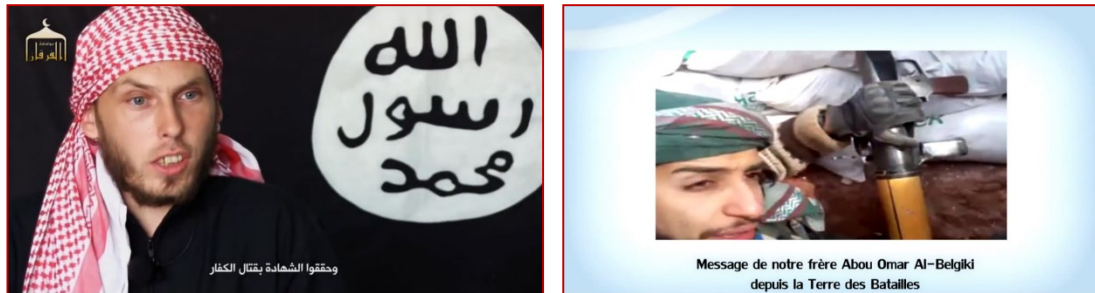


Figure 38 Screen clips from ISIS video

440. In the March 2014 ISIS YouTube video, Abaaoud gave a monologue (in French) recruiting *jihadi* fighters for ISIS in which he stated:⁶⁰

“Here I am in a trench, as you can see, protecting myself from the bullets, the shelling of the enemy—the apostates who are fighting us because we want to instate Islamic law. They advance towards us with tanks, heavy artillery, and many men. We are about 50 men in front of them. Most of us are carrying simple Kalashnikovs, a few RPGs, and a few PKC [machine guns]... Admittedly, there is no joy in spilling blood, although it’s nice to see from time to time, the blood of the infidels, because we were educated, growing up, seeing all over the world, on TV, the blood of the Muslims, which for decades has been shed... I would like to send a message to those who stay put and do not wage jihad: Arise and go forth to fight in the path of Allah. Go forth to victory in this world and in the Hereafter... Is there anything better than jihad and martyrdom in the path of Allah? What can be sweeter than martyrdom in the path of Allah? ... Some of us had to leave behind our wives, our mothers, our fathers, and our property. We left our lives in this world for the sake of Allah, to elevate the word of Allah... When I lived in Europe, I never ate food like I have eaten here. I entered villas, palaces! ... Hasten to jihad, hasten to jihad! Hasten before it is too late. The enemies of Allah and of Islam have gathered worldwide, starting with the so-called ‘peaceful’ Buddhists, who exterminate, decapitate, rip apart, and eat the Muslims in Asia, or the Africans in Central Africa, who kill the Muslims, or the Westerners, or the Shiites, may Allah curse them. They are all gathered against the Sunni Muslims, who want the victory of Allah. For an hour a sniper has been trying to get me, but by the will of Allah, he won’t succeed. And if he does get me, it will be the will of Allah, the destiny of Allah, and I will be satisfied... For the sincere believers, I will pray that Allah will guide them, help them, ease them, and support them, to go forth to jihad in the path of Allah. For those who are tyrants,

⁶⁰ “From The MEMRI TV Archives—Most-Wanted Suspect In Paris Attacks Speaks From The Trenches In Syria In March 2014: ‘It’s Nice to See ... The Blood Of The Infidels,’” *Middle East Research Institute* (Nov. 16, 2015), http://www.memrijttm.org/content/view_print/report/8861.

1 their soldiers, and their worshippers, may Allah break your backs and
2 exterminate you. Allah willing, He will exterminate you in the world and
 the Hereafter. This is your brother in Allah, Abu Omar AlBelgiki.”

3 441. Laachraoui, who prepared the explosives for the suicide bombs used in the Paris
4 Attack and carried out his own suicide bombing in a subsequent ISIS terror attack in Brussels in
5 March 2016, was involved with Belkacem’s Sharia4Belgium in 2012.

6 442. Laachraoui was seen on videos together with Denis and other Sharia4Belgium
7 members at demonstrations in front of the Myanmar embassy in Schaerbeek, Belgium.⁶¹

8 443. Laachraoui was also considered one of Zerkani’s ISIS recruits, and traveled to Syria
9 in 2013.

10 444. Laachraoui’s social media accounts show that he actively followed ISIS social media
11 accounts and posted links to *jihadi* YouTube videos on his own accounts as well.

12 445. While in Syria, Laachraoui guarded prisoners for ISIS, and was known for torturing
13 prisoners and staging mock executions before they were beheaded.⁶²

14 446. The stated goal of ISIS is to use social media, including Defendants’ platforms,
15 services, computers, and communications equipment, to assist in carrying out their terrorist attacks
16 throughout the world.

17 447. France has become a “central target” of ISIS’s campaign of terror attacks.

18
19
20
21
22
23 ⁶¹ Julien Balboni, “Najim Laachraoui se racontait sur Twitter et Facebook,” *DH.be* (May 7, 2016),
24 <http://www.dhnet.be/actu/faits/najim-laachraoui-se-racontait-sur-twitter-et-facebook-572cc92c35702a22d7189992>.

25 ⁶² Neil Syson and Tom Wells, “Brussels Airport bomber tortured Brits Alan Henning and David
26 Haines in a Syrian jail before they were beheaded by Jihadi John,” *The Sun* (May 19, 2016),
27 <https://www.thesun.co.uk/archives/news/1174565/brussels-airport-bomber-tortured-brits-alan-henning-and-david-haines-in-a-syrian-jail-before-they-were-beheaded-by-jihadi-john/>.

1 448. ISIS’s terror attacks are primarily organized through online social media platforms
2 and communication services, like Defendants’ websites. Defendants’ services allow ISIS to carry
3 out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds,
4 and creating fear.

5 449. Since 2014, the Islamic State’s spokesman, Abu Muhammad al-Adnani, has called
6 for ISIS followers to attack Westerners in retaliation for strikes by the United States-led coalition
7 fighting ISIS in Iraq and Syria.⁶³

8 450. al-Adnani has repeatedly singled out France, which is part of the coalition, as a main
9 enemy.⁶⁴

10 451. France’s Minister of Defense, Jean-Yves Le Drian, has stated that ISIS has targeted
11 “Frenchmen, in particular, or Americans, wherever they are, by any means necessary.”⁶⁵

12 452. ISIS provides its followers and those radicalized with detailed descriptions of how
13 to carry out terrorist attacks by “any means necessary” by disseminating its terrorist propaganda
14 through the use of Defendants’ websites. This propaganda is used to train operatives, plan, and
15 execute acts of international terrorism.

16 453. In September 2014, Abu Muhammad al-Adani issued a landmark call for attacks in
17 the West:

18 “If you can kill a disbelieving American or European- especially the spiteful and filthy
19 French- or an Australian, or a Canadian, or any other disbeliever from the disbelievers
20 waging war, including the citizens of the countries that entered into a coalition against the
21
22
23
24

25 ⁶³ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

26 ⁶⁴ *Id.*

27 ⁶⁵ *Id.*

1 Islamic State, then rely upon Allah, and kill him in any manner or way however it may be.
 2 Do not ask for anyone's advice and do not seek anyone's verdict. Kill the disbeliever whether
 3 he is civilian or military, for they have the same ruling."⁶⁶

4 **C. ISIS vs. the United States, France, and their Allies**

5 454. On August 18, 2014, the United States Government named ISIS spokesman Abu
 6 Muhammad al-Adnani personally as a Specially Designated Global Terrorist ("SDGT").

7 455. In September 2014, ISIS used YouTube to post an audio message from ISIS
 8 spokesman Abu Muhammad al-Adnani titled "Verily Your Lord is Ever Watchful," in which he
 9 urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in
 10 fighting against ISIS, and in particular, against the United States, France, and other European
 11 nations.
 12

13 456. The following are translated excerpts from al-Adnani's September 2014 message:

14 "[To the U.S. and its allies:] We promise you that this campaign will be
 15 your last and it will collapse and fail, just as all your other campaigns
 16 collapsed. But this time, when the war ends we will be the ones to invade
 17 your countries, whereas you will no longer invade [ours]. We will invade
 18 your Rome, break your Cross and enslave your women, with Allah's help.
 19 This is His promise and he will not break it until it is realized. And if we do
 20 not achieve this, our sons or grandsons will, and they will sell your sons and
 21 grandsons as slaves.

22 . . .

23 [To American and Europeans:] The Islamic State did not launch a war
 24 against you, as your lying governments and your media claim. You are the
 25 ones who initiated hostilities against us, and the [side] that initiates
 26 hostilities is the evil one. You will pay [for it] dearly when your economies
 collapse. You will pay dearly when your sons are sent to fight us and return
 27 crippled and damaged, in coffins or as lunatics. You will pay when each of
 28 you feels afraid to travel abroad. You will pay when you walk the streets in
 trepidation, for fear of Muslims. You will not be safe in your own beds. You

⁶⁶ *Id.*

1 will pay the price when your Crusader war fails, and then we invade the
2 very heart of your countries.

3 . . .

4 [To Muslims:] O monotheist, don't sit out this war, wherever you may be.
5 [Attack] the tyrants' soldiers, their police and security forces, their
6 intelligence [forces] and collaborators. Cause them to lose sleep, make their
7 lives miserable, and cause them to be preoccupied with their own
8 [problems]. If you are able to kill an American or European infidel –
9 particularly any of the hostile, impure Frenchmen – or an Australian or a
10 Canadian, or any [other] infidel enemy from the countries that have banded
11 against the Islamic State, then put your trust in Allah and kill him, by any
12 way or means. Do not consult anyone and do not seek a *fatwa* [religious
13 ruling] from anyone. It is immaterial if the infidel is a combatant or a
14 civilian. Their sentence is one; they are both infidels, both enemies. The
15 blood of both is permitted . . . The best thing to do would be to kill any
16 French or American infidel or any of their allies . . . If you cannot [detonate]
17 a bomb or [fire] a bullet, arrange to meet alone with a French or an American
18 infidel and bash his skull in with a rock, slaughter him with a knife, run him
19 over with your car, throw him off a cliff, strangle him, or inject him with
20 poison. Don't stand by, helpless and abject . . . If you are incapable even of
21 this – then spit in his face. And if you refuse [to do] this while your brothers
22 are being bombed and killed and their lives and property are under attack
23 everywhere, then examine your faith. This is a serious matter you face, for
24 the Islamic faith is predicated upon the principle of loyalty to Muslims and
25 hostility toward infidels.”⁶⁷

26 457. On October 14, 2014, ISIS used YouTube to release a video message directed to the
27 people of France, titled “Message of the Mujahid 3.”

28 458. The “Message of the Mujahid 3” YouTube video featured a French-speaking
member of ISIS, sitting in the driver's seat of a car with a rifle, threatening France with terrorist
attacks and calling upon Muslims to carry out attacks.

⁶⁷ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” The Middle East Research Institute (MEMRI) (Sept. 22, 2014), http://www.memrijtm.org/content/view_print/blog/7825.

459. The following are screen clips from ISIS's "Message of the Mujahid 3" video:

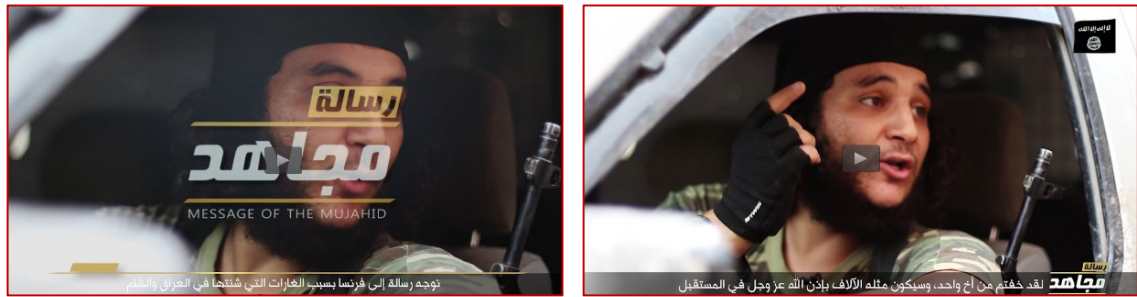


Figure 39 Clips from "Message of the Mujahid 3"

460. The following is a translation of excerpts from the French-speaker's statement in the Message of the Mujahid 3 video posted on YouTube:

"We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

...

You have so many murders and killings as did our dear brother Mohamed Merah. You were afraid of a brother, there will be thousands in the future.

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we're the criminals. But they're the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

You will not be safe anywhere in France or in other countries. We will make appeals to all brothers who live in France to kill any civilian. You will never be safe. All murders you committed, you will regret it."

461. Prior to the Paris Attack, ISIS carried out and attempted several other terror attacks in Paris, Nice, and Belgium.

462. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist plot (the "Verviers Plot") when they raided a safe house in Verviers, Belgium, killing ISIS terrorists Sofiane Amghar ("Amghar") and Khalid Ben Larbi ("Larbi"), and arresting a third conspirator.

463. In the safe house, police found AK-47 assault rifles, components of the explosive TATP, GoPro cameras, and police uniforms.

464. Officials reported that the Verviers Plot had included a planned beheading of a police officer that was to be filmed.

465. Police investigators determined that Abaaoud had been in contact with the three Verviers terrorists via cellphone in Greece at the time of the raid, and was involved in the Verviers Plot.

466. In February 2015, ISIS released the seventh issue of its online English-language magazine *Dabiq*.

467. ISIS's *Dabiq* Issue 7 featured an interview of Abaaoud, and included the following photograph of Abaaoud (a/k/a Abu Umar al-Baljiki) walking with Amghar (a/k/a Abu Khalid al-Baljiki) and Larbi (a/k/a Abuz-Zubayr al-Baljiki), the ISIS terrorists who were supposed to carry out the Verviers Plot but who were killed in the Verviers raid.

468. The following are pictures from the *Dabiq* Issue 7:



Figure 40 Photographs from *Dabiq*

469. In the *Dabiq* Issue 7 interview, Abaaoud insinuated that he had been in Belgium himself, stating: “I was able to leave and come to *Sham* [Syria] despite being chased after by so many intelligence agencies. My name and picture were all over the news yet I was able to stay in their homeland, plan operations against them, and leave safely when doing so became necessary.”

470. On February 11, 2015, ISIS released its second issue of its online French-language magazine *Dar al-Islam*, with the cover-line “May Allah [God] Curse France.”

471. The following is a picture of the cover of *Dar al-Islam* Issue 2:



Figure 41 Cover of *Dar al-Islam*

472. ISIS's *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

473. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015: in one attack, two "*al-Qaeda* in the Arabian Peninsula" ("AQAP") terrorists shot and killed 11 civilians and a police officer and wounded 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately afterward, ISIS terrorist Amedy Coulibaly ("Coulibaly") shot and killed a police officer and a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher supermarket.

474. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of Coulibaly and an interview with his wife, Hayat Boumeddiene.

475. The issue also called for more terrorist attacks against France and other western countries; for example, one article in this issue included the following statement:

1 The disbeliever states have understood the consequences of the return of the
2 Caliphate: the end of the domination by the Jews, the Crusaders and their
3 allies. Every sincere Muslim must migrate to one of the regions of the
4 Islamic State, the land of Islam, and leave the land of disbelief led by the
5 worst *tawaghit* [tyrants] of this world, who constantly war against our
6 community. The time has come for the believers to go forth, to recover the
7 land, and not to let these tyrants rest for one second. . . . France needs to
8 mourn its dead as we mourn our own; may they see the blood of their own
9 people flow like we see that of our own.

10 476. Also in February 2015, French-born ISIS leader Salim Benghalem (“Benghalem”),
11 who was personally named as a Specially Designated Global Terrorist (“SDGT”) by the U.S.
12 Government in September 2014, appeared unmasked in an ISIS YouTube video praising the *Charlie*
13 *Hebdo* and Hypercasher terror attacks and the terrorists who carried them out; he also called for
14 more ISIS attacks in France, exclaiming, “Kill them with knives,” and claimed that ISIS would carry
15 out more attacks in Europe.

16 477. Investigators have subsequently determined that Benghalem also played a leadership
17 and planning role in the November 2015 Paris Attack that injured the victims in this case.

18 478. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”)
19 into custody after he was deported from Turkey.

20 479. After arresting Moreau, French police arrested another ISIS recruit in 2015 named
21 Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

22 480. During his interrogation on August 13, 2015, Hame told the police that in June 2015
23 ISIS had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles
24 and grenades.

1 481. Hame told police that he was directed to choose “an easy target, like a group of
2 people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out
3 the attack, he should wait for police to arrive and “die while killing the hostages.”

4 482. Hame said he was told that “if lots of civilians were hit, the foreign policy of France
5 would change.”

6 483. Asked by police whether he was aware of any pending attacks, Hame replied: “All I
7 can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really
8 looking to hit France or Europe.”⁶⁸

9
10 **D. The Paris Attack**

11 484. By the end of September 2015, Abaaoud had again slipped back into Europe.

12 485. In early September 2015, Abaaoud’s childhood friend Salah Abdeslam
13 (“Abdeslam”) traveled to Hungary to pick up two ISIS members, Mohammed Belkaid
14 (“Belkaid”) and Najim Laachraoui (“Laachraoui”), who had arrived from Syria using fake
15 identities.
16

17 486. On September 9, 2015, Abdeslam, driving a rented Mercedes, was checked by
18 authorities at the Hungarian-Austrian border on his way back to Belgium with Belkaid and
19 Laachraoui.

20 487. On October 3, 2015, two Iraqi ISIS members arrived at the Greek island of Leros on
21 a boat with nearly 200 migrants.

22 488. Using fake Syrian passports, the two Iraqis registered as refugees, took a ferry to
23 Athens, and then traveled through the Balkans, Hungary, and Austria to meet the other ISIS
24 conspirators in Belgium.
25

26
27 ⁶⁸ *Id.*

1 489. Abaaoud appears to have been the operational leader of the ten ISIS terrorists who
2 would execute the Paris Attack.

3 490. Belkaid and Laachraoui were ISIS members who would remain in Belgium and
4 communicate with the attackers via cellphone to coordinate the attacks.

5 491. Laachraoui was also the bomb-maker who prepared the TATP explosive suicide-
6 belts that were worn and used by the ISIS terrorists who would execute the Paris Attack.

7 492. From approximately early September 2015 until shortly before the Paris Attack, the
8 ISIS conspirators of the Paris Attack gathered in three safe houses in Belgium.

9 493. Between November 11 and November 13, 2015, the ISIS members who were to
10 execute the Paris Attack moved from Belgium to Paris, where they divided themselves
11 between two locations: a hotel and a rented house.

12 494. On the night of November 13, 2015, the ISIS terrorists in Paris split into three groups:
13 one group set out in a black Renault Clio driven by Abdeslam, with Hadfi and the two Iraqis
14 (the three “Stadium Attackers”) as passengers; a second group travelled in a black Seat Leon
15 driven by Abaaoud, with Brahim and Akrouh as passengers (the three “Café Attackers”);
16 and the third group consisting of Mostefai, Amimour, and Agged (the three “Bataclan
17 Attackers”) rode in a black Volkswagen Polo.

18 495. Shortly before 9:00 p.m., Abdeslam dropped the Stadium Attackers off outside the
19 Stade de France (the “National Stadium”) in Paris, and then drove away.

20 496. French President Francois Hollande was at the National Stadium at the time.

21 497. Beginning at about 9:05 p.m., a security guard at Gate R blocked one of the Iraqis
22 four times trying to sneak into the stadium.

1 498. At about 9:20 p.m., one of the Iraqi suicide bombers (with a fake Syrian passport in
2 the name Ahmad al Mohammad) blew himself up outside Gate D, killing one other person.

3 Hadfi was on the phone with Abaaoud at the time.

4 499. At about 9:20 p.m., Abaaoud was driving a black Seat Leon with Brahim and Akrouh
5 as passengers on the Rue Bichat towards Paris's café district.

6 500. At about 9:25 p.m., a car blocked Abaaoud's path on Rue Bichat. Five shots were
7 fired from the Seat Leon, killing the driver of the blocking car.

8 501. Abaaoud then stopped the car in the middle of the road and turned on the hazard
9 lights. Abaaoud, Brahim, and Akrouh got out of the car shouting "Allahu Akbar" and, using
10 Kalashnikov AK-47 assault rifles, they opened fire on people at the Petit Cambodge
11 Cambodian restaurant on Rue Bichat and the La Carillon bar on the other side of the road,
12 killing 13 people.

13 502. The three terrorists got back into the black Seat Leon car and drove on.

14 503. At about 9:30 p.m., the second Iraqi suicide bomber exploded outside Gate H at the
15 national stadium. Fortunately, no one besides the bomber was killed.

16 504. At about 9:32 p.m., the black Seat Leon stopped again. Abaaoud, Brahim, and
17 Akrouh got out of the car and, shouting "Allahu Akbar," they opened fire at patrons at the
18 Casa Nostra pizzeria and Bonne Biere café near the Place de la Republique square. This time
19 they murdered five people, before jumping back into the car.

20 505. At about 9:36 p.m., Abaaoud, Brahim, and Akrouh opened fire at the La Belle Equipe
21 café on Rue de Charrone, killing 19 people. Most of those who were murdered at this café
22 were sitting on the outdoor terraces. A witness reported that the three terrorists did not speak
23 to each other as they calmly sprayed bullets at the cafés and at cars travelling down the road.

24 506. The black Seat Leon then sped to a new location.

1 507. At about 9:40 p.m., Abaaoud dropped off Brahim, who was wearing a hooded jacket
2 over several layers of clothing, at the Comptoir Voltaire café. Brahim entered the covered
3 interior terrace of the café, smiled at the patrons, apologized for interrupting their dinner,
4 and blew himself up.

5 508. Abaaoud and Akrouh next drove toward the Montreuil suburb of Paris, where they
6 abandoned the black Seat Leon car.

7 509. At about 9:40 p.m., Mostefai, Amimour, and Agged, driving a black Volkswagen
8 Polo, pulled up in front of the Bataclan Theatre concert hall in Paris and parked the car.

9 510. At about 9:42 p.m., one of the three terrorists in the black Volkswagen Polo sent a
10 text message on a Samsung smartphone to a cellphone in Brussels: “We’re getting going;
11 we’re starting.” He then tossed the phone into a trash can near the entrance of the concert
12 hall.
13

14 511. Police recovered the Samsung smartphone from the trash can after the Paris Attack,
15 and determined that the text message was received in Brussels on a cell phone used by
16 Belkaid. Police also determined that a second cellphone in Brussels, used by either Belkaid
17 or Laachraoui, was also communicating with Hadfi and Abaaoud during the Paris Attack.
18

19 512. The three Bataclan attackers first killed three people outside the concert hall, then
20 went in and moved to the concert floor, shooting people and shouting “Allahu Akbar.” As
21 one terrorist fired his weapon, another reloaded so they could kill as many as possible. The
22 third terrorist stood at the emergency exit and attacked people who attempted to escape.
23

24 513. The terrorists spoke French, telling the wounded on the floor: “Anybody who moves,
25 I’m going to kill.”

26 514. At about 9:50 p.m., Hadfi, the third national stadium suicide bomber, exploded next
27 to a McDonald’s restaurant nearby the stadium, injuring more than 50 people.
28

1 515. After the Bataclan attackers' initial wave of killing, they briefly stopped and were
2 heard to say: "Where is the singer? Where are those Yanks? It's an American group, you're
3 bombing us with the Americans, so we're going to hit the Americans and you."

4 516. The Bataclan terrorists told those on the floor that they had been dispatched from
5 Syria by ISIS to carry out the attack to avenge French airstrikes in Iraq and Syria.

6 517. At about 10:00 p.m., two French police officers arrived at the Bataclan hall and shot
7 Amimour. As Amimour fell to the floor, he detonated his suicide vest.

8 518. Mostefai and Agged took some of the surviving concert-goers and herded them into
9 a corridor inside the Bataclan building to hold as hostages.

10 519. At about 10:45 p.m., French "RAID" commandos arrived and began communicating
11 with Mostefai and Agged. The two terrorists in the Bataclan threatened to execute their
12 hostages unless they received a signed paper promising that France would leave Muslim
13 lands.

14 520. In the meantime, Abaaoud had taken the metro back into Paris to coordinate the
15 Bataclan attack. He was seen by a witness outside the concert hall yelling orders into a hands-
16 free cellphone.

17 521. Just after midnight, the RAID commandos stormed the concert hall, rescuing the
18 hostages alive. Mostefai and Agged were both shot by police, and at least one of them
19 managed to detonate his suicide vest.

20 522. By the end of the Paris Attack, the ISIS terrorists had murdered 130 people and
21 injured nearly 400.

22 523. Seven of the ten ISIS terrorist attackers were dead, leaving only Abaaoud, Akrouh,
23 and Abdeslam alive.

1 524. The Paris Attack was the deadliest attack on France since World War II and the
2 deadliest in the European Union since the Madrid train bombings in 2004.

3 **E. The Aftermath of the Paris Attack**

4 525. On November 14, 2015, ISIS issued a written statement in several languages
5 (including Arabic, French, and English) titled “A Statement on the Blessed Onslaught in
6 Paris against the Crusader Nation of France,” in which ISIS claimed responsibility for the
7 Paris Attack.
8

9 526. The following are copies of the Arabic and English versions of ISIS’s written
10 statement claiming responsibility for the Paris Attack:
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بيان عن غزوة باريس المباركة
عاجل على فرنسا الصليبية

٢ صفر ١٤٣٧ هـ

بسم الله الرحمن الرحيم

قَالَ تَعَالَى: (وَعَلَّيْنَا أَنَّهُمْ مُلَاعِغُهُمْ فَخُذُوا مِنْ خَيْثُ لَمْ يَحْتَسِبُوا وَقَدْ خَفَى فِي قُلُوبِهِمُ الرُّغْبُ يُخْرِبُونَ بُيُوتَهُمْ بِأَيْدِيهِمْ وَأَيْدِي الْمُؤْمِنِينَ فَاعْتَبِرُوا يَا أُولِيَ الْأَبْصَارِ).

في غزوة مباركة يسر الله لها أسباب التوفيق، انطلقت ثلاثة مؤمنة من جند الخلافة أعزها الله ونصرها، مستهدفين عاصمة العهر والرديلة، وحاملة لواء الصليب في أوروبا (باريس)، فتية طلقوا الدنيا وأقدموا على عدوهم يبتغون القتل في سبيل الله نصرة لدينه ونيته صلى الله عليه وسلم وأوليائه، وإرغاماً لأنفس أعدائه، فصدقوا الله نحسبهم كذلك، ففتح الله على أيديهم وألقى في قلوب الصليبيين الرعب بعقر دارهم.

حيث قام ثمانية إخوة ملتحمين أحزمة ناسفة وبنادق رشاشة باستهداف مواقع منتخبة بدقة في قلب عاصمة فرنسا، منها ملعب (دي فرانس) أثناء مباراة فريق ألمانيا وفرنسا الصليبيين حيث كان معنوه فرنسا (فرانسوا أولاند) حاضراً، ومركز (باتاكلون) للمؤتمرات حيث تجمع المئات من المشركين في حفلة عهر فاجرة، وأهدافاً أخرى في المنطقة العاشرة والحادية عشر والثامنة عشر وبصورة متزامنة، فتفكرت باريس تحت أقدامهم، وضاعت عليهم شوارعها، وكانت محضلة الهجمات هلاك ما لا يقل عن مائتي صليبي وإصابة أكثر من ذلك ولله الحمد والمئة والفضل.

وقد من الله على إخواننا ورزقهم ما يحبون ففجروا أحزمتهم في جموع الكفار بعد نفاذ ذخيرتهم، نسأل الله أن يتقبلهم في الشهداء ويلحقنا بهم.

ولتعلم فرنسا ومن يسير على دربها أنهم سيبقون على رأس قائمة أهداف الدولة الإسلامية، وأن رائحة الموت لن تفارق أنوفهم ماداموا قد تصدروا ركب الحملة الصليبية، وتجراؤا على سب نبينا صلى الله عليه وسلم، وتفاخروا بحرب الإسلام في فرنسا، وضرب المسلمين في أرض الخلافة بطائراتهم التي لم تغن عنهم شيئاً في شوارع باريس وأزقتها التنتنة، وإن هذه الغزوة أول الغيث وإنذار لمن أراد أن يعتبر.

والله أكبر

{وَلِلَّهِ الْعِزَّةُ وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ وَلَكِنَّ الْمُنَافِقِينَ لَا يَعْلَمُونَ}

BREAKING NEWS
A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France

2 Safar 1437

In the Name of Allah, the Most Merciful, the Most Beneficent

Allah (ta'ala) said, (They thought that their fortresses would protect them from Allah; but Allah came upon them from where they had not expected, and He cast terror into their hearts so they destroyed their houses by their own hands and the hands of the believers. So take warning, O people of vision) [Al-Hashr: 2].

In a blessed battle whose causes of success were enabled by Allah, a group of believers from the soldiers of the Caliphate (may Allah strengthen and support it) set out targeting the capital of prostitution and vice, the lead carrier of the cross in Europe – Paris. This group of believers were youth who divorced the worldly life and advanced towards their enemy hoping to be killed for Allah's sake, doing so in support of His religion, His Prophet (blessings and peace be upon him), and His allies. They did so in spite of His enemies. Thus, they were truthful with Allah – we consider them so – and Allah granted victory upon their hands and cast terror into the hearts of the crusaders in their very own homeland.

And so eight brothers equipped with explosive belts and assault rifles attacked precisely chosen targets in the center of the capital of France. These targets included the Stade de France stadium during a soccer match – between the teams of Germany and France, both of which are crusader nations – attended by the imbecile of France (Francois Hollande). The targets included the Bataclan theatre for exhibitions, where hundreds of pagans gathered for a concert of prostitution and vice. There were also simultaneous attacks on other targets in the tenth, eleventh, and eighteenth districts, and elsewhere. Paris was thereby shaken beneath the crusaders' feet, who were constricted by its streets. The result of the attacks was the deaths of no less than two hundred crusaders and the wounding of even more. All praise, grace, and favor belong to Allah.

Allah blessed our brothers and granted them what they desired. They detonated their explosive belts in the masses of the disbelievers after finishing all their ammunition. We ask Allah to accept them amongst the martyrs and to allow us to follow them.

Let France and all nations following its path know that they will continue to be at the top of the target list for the Islamic State and that the scent of death will not leave their nostrils as long as they partake in the crusader campaign, as long as they dare to curse our Prophet (blessings and peace be upon him), and as long as they boast about their war against Islam in France and their strikes against Muslims in the lands of the Caliphate with their jets, which were of no avail to them in the filthy streets and alleys of Paris. Indeed, this is just the beginning. It is also a warning for any who wish to take heed.

Allah is the greatest.

{And to Allah belongs all honor, and to His Messenger, and to the believers, but the hypocrites do not know} [Al-Munafiqun: 8].

Figure 42 Screen clip of ISIS statement

527. On November 14, 2015, ISIS used YouTube to release an audio message again claiming responsibility for the Paris Attack. The voice of the ISIS representative who spoke in the audio message was identified as ISIS member Fabian Clain.

528. On November 17, 2015, ISIS used YouTube to release a video message in French

1 titled “Fight Them: With Your Hands Allah Will Punish Them,” featuring four French-
 2 speaking ISIS members praising and justifying the Paris Attack, and threatening additional
 3 attacks.

4 529. On November 18, 2015, ISIS used YouTube to release another video message titled
 5 “What’s Coming Will Be Even Worse,” featuring three French-speaking ISIS members
 6 praising the Paris Attack and threatening additional attacks.

7 530. On November 18, 2015, ISIS used YouTube to release another video message titled
 8 “And our soldiers will prevail,” featuring a jihadi song in French titled “Go Forth, Go
 9 Forth” calling for attacks against ISIS’s enemies, praising the Paris Attack and threatening
 10 additional attacks.
 11

12 531. Also on November 18, 2015, ISIS released the twelfth issue of its online English-
 13 language magazine *Dabiq*, which featured the Paris Attack on its cover as shown here:
 14



23 *Figure 43 ISIS Dabiq magazine*

24 532. On November 30, 2015, ISIS used Twitter to release the seventh issue of its online
 25 French-language magazine *Dar al-Islam* titled “France at its knees,” which praised the
 26 Paris Attack, and included a graphic multi-page photo montage of the attack.

27 533. The following are pictures from *Dar al-Islam* Issue 7:
 28

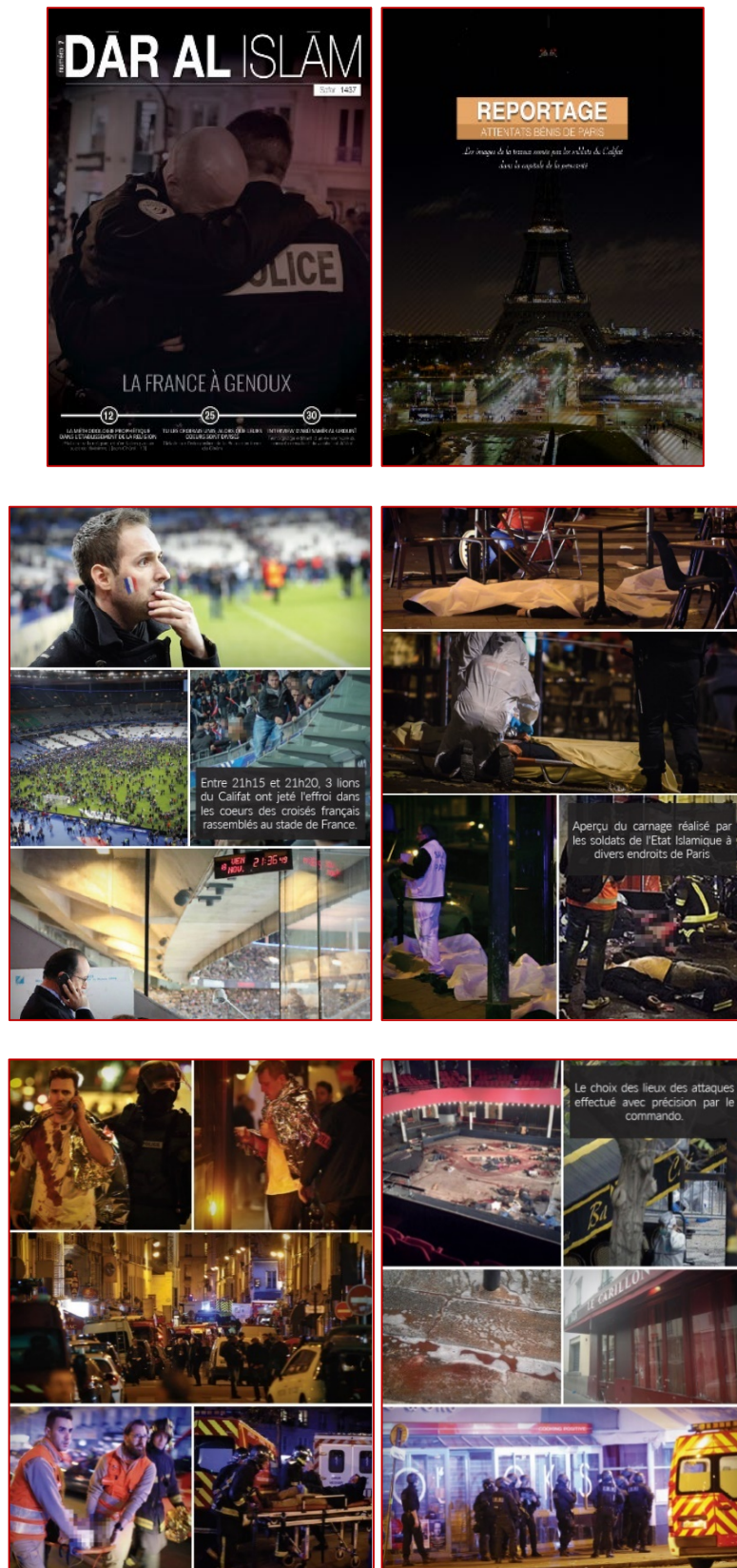


Figure 44 Dar al-Islam Issue 7

534. On January 24, 2016, ISIS's official al-Hayat Media Center used YouTube to release a video titled, "Kill Them Wherever You Find Them," featuring the Paris attackers (the "Paris Attackers Video").

535. The following is an ISIS graphic promoting the Paris Attackers Video:



Figure 45 Screen clip of "Kill Them Wherever You Find Them" YouTube video

536. The Paris Attackers Video was in French and Arabic, and was distributed via YouTube in versions with Arabic and English subtitles. The video featured video messages from the nine ISIS terrorists (now dead) who carried out the November 13, 2015 Paris Attack, and they recorded the messages in anticipation of the attack, to be released by ISIS after their deaths.

537. The Paris Attackers Video opens with an encrypted message, and then the following written message appears on the screen:

"The following are the final messages of the nine lions of the Caliphate who were sent forth from their dens to bring an entire country – France – to her knees. They raised the word of tawhid [monotheism] and lived the verses of the Koran by killing the infidels wherever they found them. And they continued to do so until their thirst for success was quenched with nothing other than their own blood."

538. The Paris Attackers Video next shows news footage from the Paris Attack, and includes a song with the following lyrics in French:

“Charronees, Bichat, Voltaire [names of Paris streets where attacks occurred] / my Kalashnikov is loaded / the civilians are unarmed / I am annihilating Frenchmen / It is [French Prime Minister] Valls who should be thanked . . . It is only for the sake of Allah that have we made this choice / killing with hearts full of joy / we will kill you without mercy . . .”

539. The first attacker to appear in the Paris Attackers Video is Abaaoud (a/k/a Abu Umar al-Baljiki), who speaks in French in front of an ISIS flag, a handgun, and an assault rifle.

540. The following is a screen clip from the Paris Attackers Video:



Figure 46 Screen clip from The Paris Attackers YouTube video

541. After Abaaoud, the Paris Attackers Video shows seven of the attackers in succession, dressed in identical battle fatigues, each delivering a message and then executing a captive. Five of these seven terrorists, Amimour (a/k/a Abu Qital al-Faransi), Agged (a/k/a Abu Fu'ad al-Faransi), Hadfi (a/k/a Abu Mujaed al-Baljiki), Akrouh (a/k/a Dhul-Qarayn al-Baljiki), and Mostefai (a/k/a Abu Rayyan al-Faransi), are shown executing captives by beheading them with a knife. The other two attackers, Iraqi ISIS members identified as Ukash al-Iraqi and Ali al-Iraqi, make a joint statement in Arabic, and are shown executing captives by shooting them in the back of the head.

542. Lastly, the ninth attacker in the Paris Attackers Video is Abaaoud's brother,

Brahim, who is shown in a different setting performing target practice, but he does not give a statement or execute a prisoner in the video.

543. On February 6, 2016, ISIS released the eighth issue of its online French-language magazine *Dar al-Islam*, with Abaaoud's picture on the cover as shown here:



Figure 47 *Dar al-Islam* Issue 8

544. ISIS's *Dar al-Islam* Issue 8 was predominately dedicated to the Paris Attack, and included an editorial on the attack, as well as testaments of three of the Paris attackers: Abaaoud (a/k/a Abu Umar al-Baljiki); Mostefai (a/k/a Abu Rayyan al-Faransi); and Hadfi (a/k/a Abu Mujahid al-Baljiki).

545. The following are pictures of Abaaoud, Mostefai, and Hadfi from *Dar al-Islam* Issue 8:



Figure 48 Photographs from *Dar al-Islam* Issue 8

546. *Dar al-Islam* Issue 8 also included a graphic multi-page photo montage of the attackers preparing for the attack, featuring pictures from the January 2016 video “Kill Them Wherever You Find Them.”

547. The following is a copy of the introductory page to the photo montage:

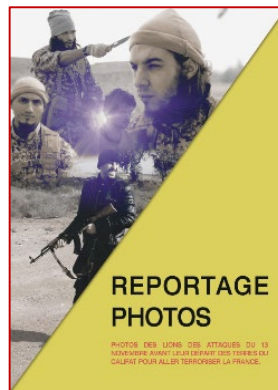


Figure 49 Photograph from Dar al-Islam Issue 8

548. In April 2016, ISIS used YouTube to release a video titled “An Appropriate Recompense,” that tied the Paris Attack to a subsequent mass-casualty terrorist attack carried out by ISIS in Brussels, Belgium on March 22, 2016, and featured two Belgian ISIS fighters warning of more attacks.

549. The following are screen clips from the ISIS “An Appropriate Recompense” video:

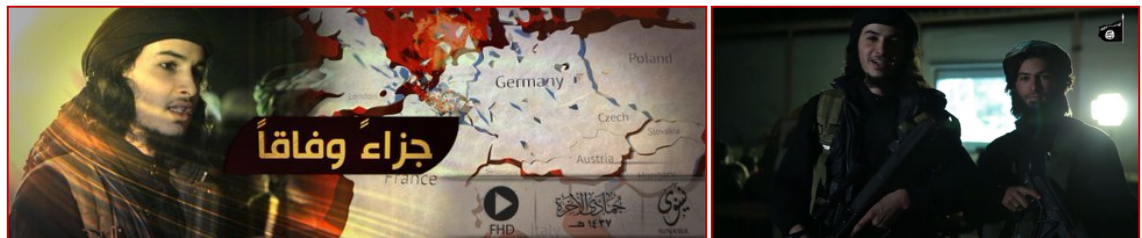


Figure 50 Screen clip from ISIS “An Appropriate Recompense” Video

550. ISIS also used YouTube to post another video following the Brussels attacks titled, “And Cast Terror Into Their Hearts,” featuring Belgian ISIS leader Hicham Chaib (“Chaib”), also known as Abu Hanifa Al-Baljiki, who had succeeded Belkacem as the

leader of Sharia4Belgium after Belkacem's arrest.

551. The following is an ISIS graphic promoting the "And Cast Terror Into Their Hearts" video:



Figure 51 ISIS graphic

552. The video showed scenes from the attacks set to ISIS nasheed chanting music and statements from ISIS terrorists.

553. In the video, Chaib called the attacks a natural reaction to Belgium's attacks on Muslims and Islam, and warned that ISIS will continue targeting its enemies on their own soil if the war against it continues.

554. The following is a screen clip from the video showing Chaib:



Figure 52 Screen clip from ISIS video

555. At the end of the video, Chaib is shown executing an ISIS captive.

556. On April 13, 2016, ISIS released the fourteenth issue of its online English-language magazine *Dabiq*.

557. ISIS's *Dabiq* Issue 14 praised the Brussels Attack and presented profiles of the three ISIS suicide terrorists who carried it out: Laachraoui (a/k/a Abu Idriss al-Baljiki); Bakraoui (a/k/a Abu Sulayman al-Baljiki); and Khalid (a/k/a Abu Walid al-Baljiki).

558. ISIS's *Dabiq* Issue 14 also credited Laachraoui for preparing the explosives for both the Paris Attack and the Brussels attacks, and presented a profile of Belkaid (a/k/a Abu Abdil-Aziz al-Jaza'iri), who was also involved in the Paris Attack.

559. The following is a copy of a page from ISIS's *Dabiq* Issue 14:



Figure 53 Photographs from ISIS's *Dabiq* Issue 14

V. MANDY PALMUCCI

560. In the fall of 2015, Mandy Palmucci, an internet technology consultant, vacationed to Nice, France, to run a marathon. Afterwards, she spent a couple of days in Paris with her two sisters.

1 561. Below is a photograph of Mandy Palmucci in Paris the day before the deadly
2 attacks:



14 *Figure 54 Photograph of Mandy Palmucci*

15 562. On November 13, 2015, at around 8:30PM, Mandy, her two sisters, and the sister
16 of one of her friends went to a restaurant on the Rue de Charonne, Clamato, and requested
17 a table for dinner. While they waited for their reservation, they walked to La Belle Équipe
18 down the street to have a drink and enjoy the evening, sitting on the patio.

19 563. Tragically, at around 9:36PM, as Mandy and her sisters were about to depart for
20 dinner, three ISIS terrorists, Abaaoud, Brahim, and Akrouh, arrived in a black Seat Leon
21 car, approached the La Belle Equipe café, and began spraying bullets at the people at the
22 café.
23

24 564. As the bullets flew around her, Mandy dropped to the ground and linked arms with
25 her companions. With each shot, she felt them shake. She described that she thought they
26 were being hit with bullets because their bodies were jerking.
27

1 565. The terrorists shot at the patrons outside of La Belle Équipe for 90 seconds, with a
 2 20-second pause to reload before they resumed shooting. Mandy recounts that to this day,
 3 she still remembers the screams. The terrorists continued to shoot for another 60 seconds
 4 before getting back in their car and continuing on their terrorist plot.

5 566. In the deadliest attack of any of the bars or café's that night, ISIS terrorists
 6 murdered 19 people at the LaBelle Equipe café.

7 567. While Mandy survived the deadly terror attack at the LaBelle Equipe café,
 8 suffered, and will continue to suffer, severe psychological and emotional harm.
 9

10 VI. DEFENDANTS' CONDUCT

11 A. Twitter, Facebook, and Google Profit From Allowing ISIS to Use Their 12 Services

13 568. Astonishingly, Defendants routinely profit from ISIS. Each Defendant
 14 places ads on ISIS postings and derives revenue for the ad placement.

15 569. These ads are not placed randomly by Defendants. Instead, they are
 16 targeted to the viewer using knowledge about the viewer as well as information about the
 17 content being viewed. The following sites for each Defendant show how targeting works:
 18

19 <https://business.Twitter.com/en/targeting.html>,
 20 <https://www.facebook.com/business/a/online-sales/ad-targeting-details>,
 21 [https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pd](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf)
 22 [fs/targeting-onesheet-en.pdf](https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheet-en.pdf).

23 570. By specifically targeting advertisements based on viewers and content,
 24 Defendants are no longer simply passing through the content of third parties. Defendants are
 25 themselves creating content because Defendants exercise control over what advertisement to
 26 match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging
 27 match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging
 28

1 advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and
2 the content being viewed.

3 **B. Defendants Knowingly Provided Material Support and Resources to**
4 **Terrorists, Including ISIS and its Supporters**

5 571. ISIS's reputation as an organization that has engaged in and continues to engage in
6 terrorist acts is widespread and has been reported in the world news media.

7 572. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has
8 likewise been widely reported in the world news media.

9 573. At all times relevant to this Complaint, Defendants have known that ISIS is an
10 organization that has engaged in and continues to engage in terrorist activity.

11 574. At all times relevant to this Complaint, Defendants have known that ISIS is
12 designated as a Foreign Terrorist Organization.

13 575. Despite this knowledge, Defendants have for years knowingly provided its Services
14 to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals
15 that provide financing and material support to ISIS, including individuals and organizations that are
16 designated as and SDGTs.

17 576. ISIS, its members, and its related entities and affiliates have operated numerous
18 accounts on Defendants' platforms, often using their own names and displaying emblems and
19 symbols associated with ISIS and its related terrorist entities.

20 577. ISIS's news and media organizations have operated accounts across each of
21 Defendants' platforms, often including separate accounts for Arabic, French, English and other
22 languages.

1 578. Through Defendants' services, Defendants make potential ISIS recruits, ISIS
2 members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS
3 itself.

4 579. Prior to the Paris Attack, Defendants refused to actively monitor its online social
5 media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of Defendants'
6 Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and affiliates to use
7 Defendants' platforms and other services, and generally only reviewed ISIS's use of its Services in
8 response to third party complaints.
9

10 580. Even when Defendants have received complaints about ISIS's use of their platforms
11 and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged in
12 terrorist activity, Defendants have at various times determined that ISIS's use of its Services did not
13 violate Defendants' policies and permitted ISIS-affiliated accounts to remain active, or removed
14 only a portion of the content posted on an ISIS-related account and permitted the account to remain
15 active.
16

17 581. While Defendants suspended or blocked selected ISIS-related accounts at various
18 times, prior to the Paris Attack, Defendants did not make substantial or sustained efforts to ensure
19 that ISIS would not reestablish the accounts using new identifiers.

20 582. Terrorists have used YouTube to promote and support their activities for years.

21 583. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist
22 terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the
23 member argued: "We have already had great success in raiding YouTube."⁶⁹
24
25

26
27 ⁶⁹ Will McCants, "Invading Facebook: Theory and Practice," Jihadica.com (Dec. 17, 2008),
28 <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

1 584. For example, in May 2008, Google publicly rebuffed a formal request by U.S.
2 Senator Joseph Lieberman to remove numerous terrorist videos identified with logos or icons of
3 ISIS (then known as AQI) and other FTOs attesting to their authenticity.

4 585. In a statement on its “Public Policy Blog” titled “Dialogue with Sen. Lieberman on
5 terrorist videos” and tagged “Free Expression,” Google wrote: “[M]ost of the videos, which did not
6 contain violent or hate speech content, were not removed because they do not violate our
7 Community Guidelines.”⁷⁰

8 586. The next day, Sen. Lieberman criticized Google for “continu[ing] to allow the
9 posting of videos by organizations the State Department has designated as Foreign Terrorist
10 Organizations,” adding: “No matter what their content, videos produced by terrorist organizations
11 like al-Qaeda, that are committed to attacking America and killing Americans, should not be
12 tolerated.”⁷¹

13 587. In December 2011, the Middle East Media Research Institute (“MEMRI”) issued a
14 report stating that it had determined that: “YouTube has emerged as one of the leading websites for
15 online jihad. It has replaced – and surpassed – web sites administered by the jihadis themselves,
16 which were previously the leaders in online jihadi efforts.”

17 588. On February 26, 2013, members of the Home Affairs Committee of the U.K. House
18 of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists’ use of
19 YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki,
20
21
22
23
24

25 ⁷⁰ See <https://publicpolicy.googleblog.com/2008/05/dialogue-with-sen-lieberman-on.html>
26 (emphasis added).

27 ⁷¹ See <http://www.hsgac.senate.gov/media/majority-media/lieberman-responds-to-google>
28 (emphasis added).

1 whose video speeches (known to have inspired multiple terrorist attacks in the West) proliferate on
2 YouTube.

3 589. The Google representative admitted that she had seen some of al-Awlaki's videos on
4 YouTube, but acknowledged that Google did not actively guard against terrorists' use of the
5 YouTube platform and services.

6 590. Rather, the Google representative testified that Google only reviews a video posted
7 on YouTube if it receives a complaint from a YouTube user, and then Google will decide whether
8 to block or remove the video if a Google reviewer determines that it violates Google's own content
9 policies.
10

11 591. The media has widely reported on terrorists' use of YouTube and Google's refusal
12 to take any meaningful action to stop it.

13 592. For example, on July 7, 2014, CBS Local reported that "militants post beheading
14 videos on sites like Google's YouTube, giving an image the chance to go viral before being shut
15 down."⁷²
16

17 593. In February 2015, Google announced that it had begun hiring Arabic speakers to
18 serve as "moderators" to review videos posted to YouTube in the event complaints are received
19 about particular posts.

20 594. However, Google reiterated that it would only review a video after a complaint is
21 received, and it would then make a determination to block or delete the video based upon its own
22 content policies.
23
24
25

26 ⁷² "Should Twitter, Facebook Be Held Liable For A Terrorist Attack? (Jul. 24, 2015),
27 <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terrorist-attack/>.
28

595. In some cases, rather than block or remove terrorist videos, Google will place an age restriction on a YouTube video, requiring a viewer to log-in to YouTube and claim to be at least 18 years-of-age before viewing it.

C. Defendants Provided Commercial Services and Financial Benefits to ISIS

596. Google's Platform provides users with the option to participate in Google's advertising business and to share in the revenue generated from selling advertisements to be placed on the user's YouTube channel and with the user's video content.

597. On March 3, 2015, CNN Money reported that Google was placing advertisements in front of ISIS videos posted on YouTube.⁷³

598. On March 10th 2015, DeathandTaxes.com released an article titled, "Beer ads keep showing up on ISIS YouTube videos."⁷⁴

599. On March 10th 2015, NBC News released an article titled, "Ads Shown Before YouTube ISIS Videos Catch Companies Off-Guard."⁷⁵

600. On March 11, 2015, NewsMediaRockstars reported that: "Major corporations like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads for their products started rolling in front of ISIS recruiting videos which have been cropping up ever more frequently on the [YouTube] site."⁷⁶

⁷³ Laurie Segall, "These ads ran before ISIS videos," CNN Money (Mar. 3, 2015), <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

⁷⁴ Joe Veix, "Beer ads keep showing up on ISIS YouTube videos," Deathandtaxes.com (Mar. 10, 2015), <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>.

⁷⁵ See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

⁷⁶ Evan DiSimone, "Advertisers Apologize For Ads Shown On ISIS YouTube Videos," NewMediaRockstars (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

601. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi. Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent days in the western provincial capital.”⁷⁷

602. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-known online video platform YouTube serves as the main media platform of these radical fighters.”⁷⁸

603. In March 2016 the Digital Citizens’ Alliance issued a report documenting a number of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad appearing before a video produced by ISIS’s *al-Hayat* Media.⁷⁹

604. Google derives revenue from ads placed on YouTube, including the ads placed before ISIS videos posted on YouTube.

605. Google does not place ads on YouTube randomly; rather, they are targeted to the viewer using based upon algorithms that analyze and use data about the ads, the user, and the video posted.⁸⁰

606. By specifically targeting advertisements based on viewers and content, Google is no longer simply passing through the content of third parties; rather, Google is itself creating content

⁷⁷ Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,” MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

⁷⁸ Vladimir Platov, “Hi-Tech Tools of ISIL Propaganda,” New Eastern Outlook (Aug. 6, 2015), <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

⁷⁹ “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the corrupt, and the criminal,” Digital Citizens’ Alliance (Mar. 2016), <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>.

⁸⁰ See Google’s description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheet-en.pdf>.

1 because it exercises control over what advertisement to match with an ISIS video posting on
 2 YouTube.

3 607. Moreover, Google's revenue is enhanced by charging advertisers extra for placing
 4 targeted advertisements.

5 608. In addition, Google agrees to shares a percentage of the revenue it generates from
 6 ads placed before YouTube videos with the user who posts the video.

7 609. In order for ads to appear associated with a YouTube video, the poster must create a
 8 Google "AdSense" account and register the account for "monetization"⁸¹:
 9

10 ▼ How can my videos make money?

11 Once your video is submitted and approved for monetization, YouTube will place ads inside or near the video. After you've associated an AdSense account with your YouTube account, you will earn revenue that is generated from the ads. [Learn more](#)

12 *Figure 55 Screenshot from AdSense*

13 610. AdSense is a Google commercial services that sells advertising to appear on the
 14 Google Platform, including YouTube.

15 611. According to Google, each video must be reviewed and approved by Google before
 16 Google will permit ads to be placed with that video:
 17

18 ▼ What types of videos are eligible?

19 For a video to be eligible, you must own worldwide commercial usage rights to everything in the video and the video must abide by our [Terms of Service](#) and [Community Guidelines](#).

20 *Figure 56 Screenshot from AdSense*

21 612. Google represents that videos must meet Google's policies and terms before they
 22 will be approved for ads.
 23
 24
 25
 26

27 ⁸¹ https://www.youtube.com/account_monetization, accessed on 5/24/2016

1 613. Upon information and belief, Google has reviewed and approved ISIS videos,
2 including videos posted by ISIS-affiliated users, for “monetization” through Google’s placement of
3 ads in connection with those videos.

4 614. Upon information and belief, by thus approving ISIS videos, including videos by
5 posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users a
6 percentage of revenues generated by these ads.

7 615. Google uses the AdSense monetization program to earn revenue, and as an incentive
8 to encourage users to post videos on YouTube.
9

10 616. By approving ISIS videos for monetization via AdSense, Google has provided a
11 financial incentive and encouraged ISIS to post videos on YouTube.

12 617. The following is a screen shot example of Google placing targeted ads in conjunction
13 with an ISIS video on YouTube. The video was created by ISIS and was posted by ISIS using a
14 known ISIS account. On information and belief, the poster complied with YouTube’s terms and
15 conditions, as did YouTube. Thus, YouTube shared revenue with ISIS, the creator and poster of the
16 video in violation of 18 U.S.C. §§ 2339A-B. By providing financial support to ISIS, Google
17 contributed to the Paris Attack because even if the money was not used directly on the Paris Attack,
18 the money could be used for other purposes freeing ISIS funds to be used in the Paris Attack:
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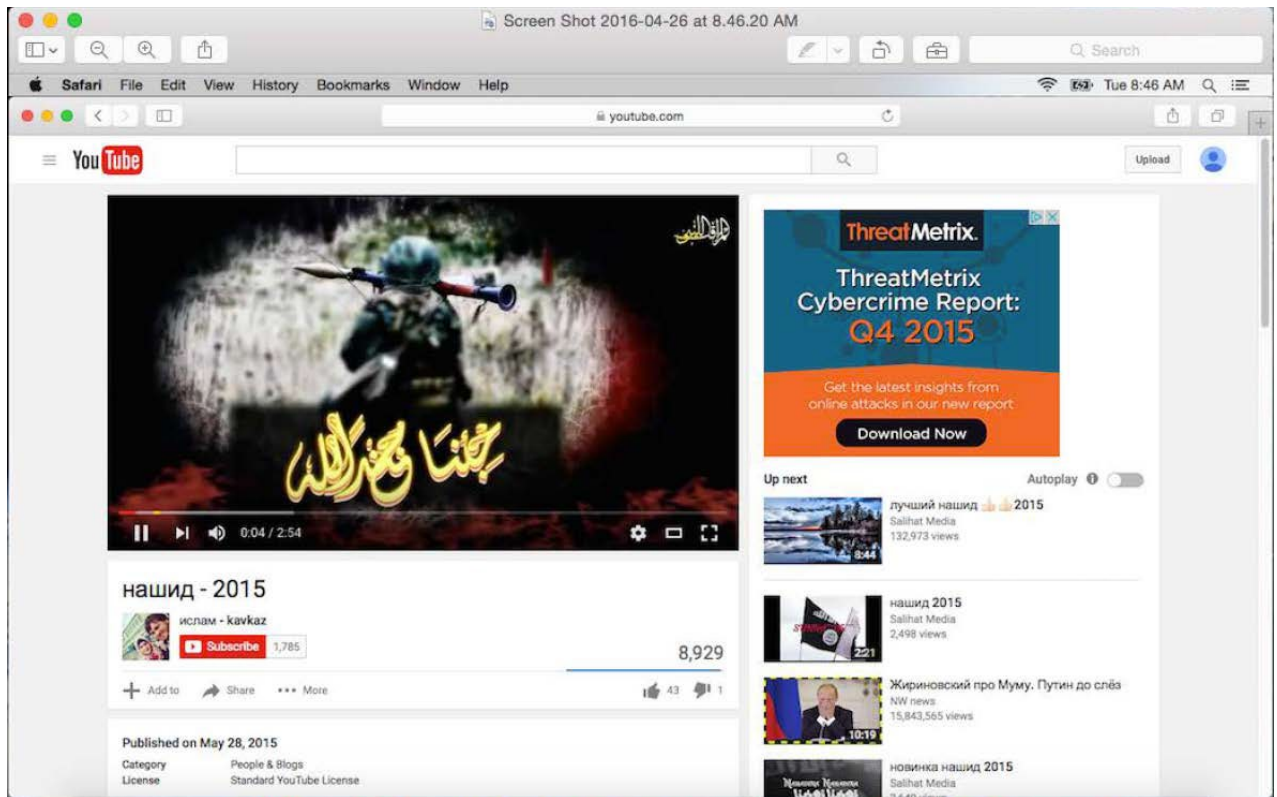


Figure 57 Screenshot Example of Ads on YouTube

618. Given that ad placement on videos requires Google's specific approval of the video according to Google's terms and conditions, any video which is associated with advertising has been approved by Google.

619. Because ads appear on the above video posted by ISIS, this means that Google specifically approved the video for monetization, Google earned revenue from each view of this video, and Google shared the revenue with ISIS. As a result, Google provides material support to ISIS.

620. Google claims to work with various governments around the world to ensure that its services do not violate local law.

621. However, most often Google decides whether or not to close an account or remove illegal content based upon Google's own content standards or criteria rather than applicable legal requirements.

622. Accordingly, Google has purposely denied or refused government requests remove
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623. In addition, Google has purposely refrained from, or delayed, notifying government
 authorities of ISIS and other terrorist accounts and content on its Platform.

624. Google has established an office in Ireland, which has primary responsibility for
 reviewing and responding to complaints about violations of Google's "Community Standards" in
 Europe, the Middle East, and Africa, including determining whether and what action to take in
 response to complaints concerning ISIS's use of YouTube in the Middle East.

625. Twitter also profits from material posted by ISIS by routinely placing ads. For
 example, a view of the account of "DJ Nasheed" on May 17, 2016, shows that Twitter placed an
 ad for OneNorth for their "M.E.A.N. Stack" offering. As such, Twitter provides material
 support to ISIS and is compensated for the effort.

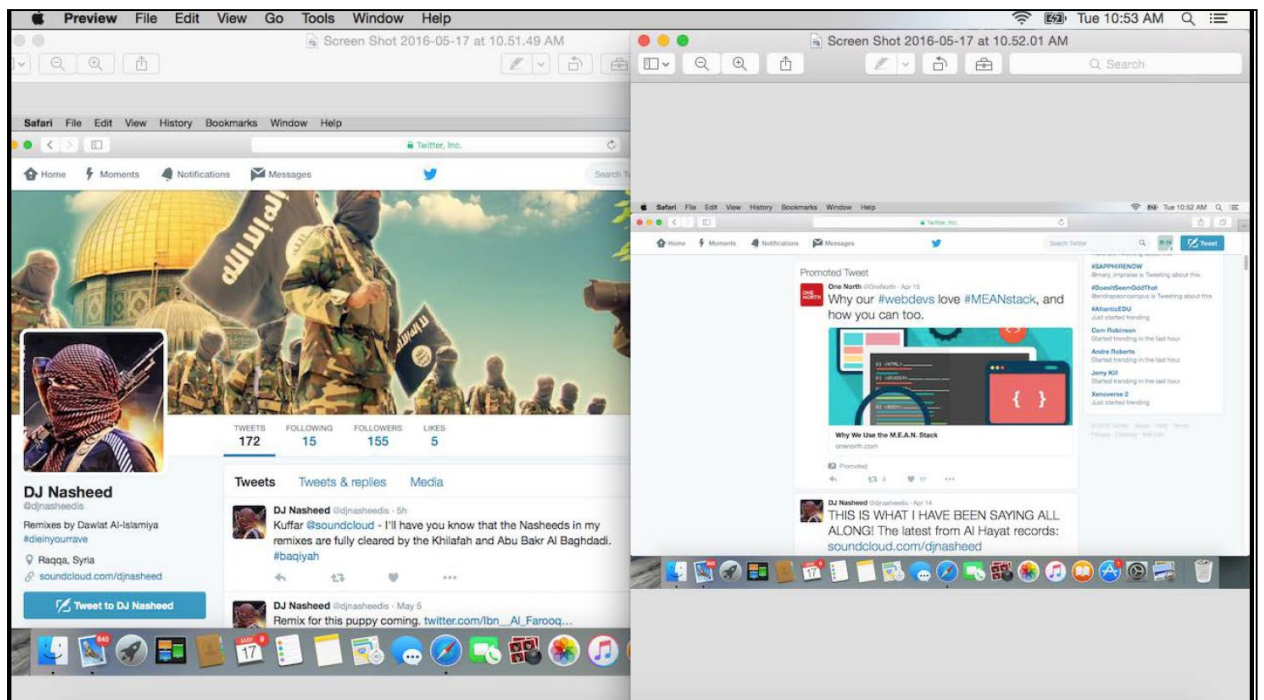


Figure 58 ISIS post on Twitter with ad placed by Twitter

626. Facebook also profits from ISIS postings. On May 31, 2016, the following screenshot was collected:



Figure 59 ISIS post on Facebook with add placed by Facebook

627. As such, Facebook provides material support to ISIS and is compensated for the effort.

628. Thus, not only does each Defendant provide material support to ISIS by allowing ISIS to make use of their social media sites, each Defendant derives revenue from ISIS postings irrespective of the content of ISIS's postings.

D. Defendants Are Information Content Providers

629. When individuals look at a page on one of Defendants' sites that contains postings and advertisements, that configuration has been created by Defendants. In other words, a viewer does not simply see a posting; nor does the viewer see just an advertisement. Defendants create a composite page of content from multiple sources.

1 630. Defendants create this page by selecting which advertisement to match with the
2 content on the page. This selection is done by Defendants' proprietary algorithms that select the
3 advertisement based on information about the viewer and the content being. Thus there is a content
4 triangle matching the postings, advertisements, and viewers.

5 631. As discussed above, Defendants tout the ability to target advertisements as a benefit
6 to advertising with the respective networks. Furthermore, Defendants extract a premium from
7 advertisers for the use of targeted advertising. The ability to target advertising based upon what is
8 known about the viewer and what the viewer is looking at is not a traditional publishing function
9 and did not exist until long after 1996.

11 632. Although Defendants have not created the posting, nor have they created the
12 advertisement, Defendants have created new unique content by choosing which advertisement to
13 combine with the posting with knowledge about the viewer.

14 633. Defendants provide functionality to those posting content to see that their content is
15 recommended by Defendants. This functionality is not a traditional publishing function.

16 634. Defendants also recommend content to users based upon the content and what is
17 known about the viewer.⁸² For example, Google has recommended ISIS videos to users. Targeting
18 content to users is not a traditional publishing function. By recommended ISIS videos to users,
19 Google and the other Defendants assist ISIS in spreading its message and thus provides material
20 support to ISIS. The image below shows a video that was recommended to a user based upon other
21 videos he had viewed in the past.⁸³ On information and belief, this is a common occurrence:
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23
24

25
26 ⁸² See "How YouTube's Suggested Videos Work," *YouTube Creator Academy* (Aug. 30, 2017),
<https://www.youtube.com/watch?v=E6pC6iqI5xM>.

27 ⁸³ Personal email from Eric Feinberg to Keith Altman dated October 29, 2016.

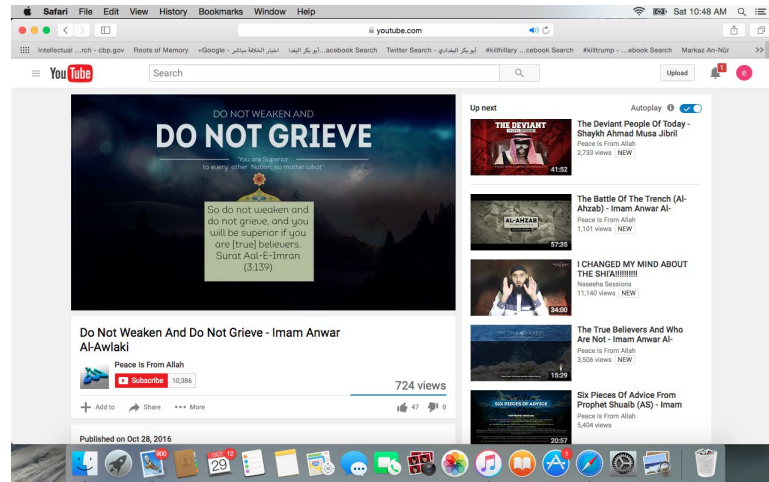


Figure 60 Screenshot from YouTube

635. In addition, by specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties; rather, Defendants themselves are creating and developing content because it exercises control over what advertisement to match with an ISIS video or posting on Defendants' platforms.

636. Thus, Defendants' active involvement in combining certain advertisements with certain postings for specific viewers means that Defendants are not simply passing along content created by third parties; rather, Defendants have incorporated ISIS postings along with advertisements matched to the viewer to create new content for which Defendants earn revenue, and thus providing material support to ISIS.

E. Defendants' Platforms and Other Services are Unique

637. Defendants' platforms and other services are provided to users via Defendants' unique computer architecture.

638. Whenever a Twitter, Facebook, or YouTube user posts content on Twitter, Facebook, or YouTube, Defendants' computer servers receive the information and distribute it to the Twitter, Facebook, or YouTube user's network of Twitter "followers," Facebook "friends," or YouTube channel "subscribers."

1 639. The posted content also appears on Twitter’s “Timeline,” Facebook’s “Newsfeed,”
2 or the YouTube user’s YouTube channel page, and is available via Twitter, Facebook, or YouTube’s
3 platforms and search engines on the Internet, depending upon the user’s privacy settings.

4 640. The video and other information that is input by a Twitter, Facebook, or YouTube
5 user into Twitter, Facebook, or YouTube is also stored on Defendants’ computer equipment as well
6 as on Defendants’ backup storage equipment.

7 641. Twitter, Facebook, and YouTube users’ content, videos, and other information are
8 hosted on Defendants’ computer equipment.

9 642. Defendants enable users to connect and communicate with “followers,” “friends,”
10 “subscribers,” or with others via posts that can be in the form of a short message, a photo with a
11 caption, sharing a web link or a news article from another website, or linking to other social media
12 platforms.

13 643. Defendants’ platforms’ users also “like,” “retweet,” and “share” others’ videos,
14 thereby exposing these videos to new networks of viewers.

15 644. Defendants use computer algorithms to match content, videos, and accounts with
16 similarities, so that similar Twitter, Facebook, or YouTube content, videos and accounts are
17 suggested to a user or viewer when viewing a Twitter, Facebook, or YouTube account; in this way,
18 users are able to locate other videos and accounts related to ISIS even if they do not know the correct
19 identifier or if the original Twitter, Facebook, or YouTube account has been replaced by a new
20 identifier.

21 645. Effectively, Defendants serve as a broker or matchmaker between like-minded
22 people, introducing users to other users and videos that they will be interested in based on the video
23 and account information and characteristics; these types of suggestions appear on the side margin
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27

1 of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even automatically
 2 load and play when a selected video ends.

3 646. By providing Twitter, Facebook, and Google's YouTube platforms and other
 4 services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer
 5 servers, storage and communication equipment, highly-developed and sophisticated algorithms, and
 6 services that facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as
 7 effectively.
 8

9 647. As discussed above, Twitter, Facebook, and YouTube's usefulness to ISIS is not
 10 merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with others
 11 and promote its terrorist activity.

12 648. According to terrorism expert Gabriel Weinmann:

13 "YouTube's massive global audience ensures that jihadists can
 14 simultaneously aim at both potential recruits and targets for terrorism. As
 15 important as the videos themselves is YouTube's usefulness in facilitating
 16 social networking among jihadists. The ability to exchange comments about
 videos and to send private messages to other users helps jihadists identify
 each other rapidly, resulting in a vibrant jihadist virtual community."⁸⁴

17 **F. Defendants Can Deny Services to ISIS But Refused to Do So**

18 649. Defendants have tools by which it can identify, flag, review, and remove ISIS
 19 accounts.
 20

21 650. In a January 2011 blog post entitled "The tweets Must Flow," Twitter co-founder
 22 Biz Stone and Twitter General Counsel Alex Macgillivray wrote: "We don't always agree with the
 23
 24
 25

26 ⁸⁴ Gabriel Weinmann, "New Terrorism and New Media," *Commons Lab of the Woodrow Wilson*
 27 *International Center for Scholars* (2014), https://www.wilsoncenter.org/sites/default/files/STIP_140501_new_terrorism_F.pdf.
 28

1 things people choose to tweet, but we keep the information flowing irrespective of any view we
2 may have about the content.”

3 651. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about
4 ISIS’s use of Twitter to publicize its acts of terrorism, said, “[i]f you want to create a platform that
5 allows for the freedom of expression for hundreds of millions of people around the world, you really
6 have to take the good with the bad.”

7 652. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-off
8 approach, telling the press, “Twitter users around the world send approximately 500 million tweets
9 each day, and we do not monitor them proactively.” “The Twitter Rules” reiterated that Twitter
10 “do[es] not actively monitor and will not censor user content, except in exceptional circumstances.”
11 In February 2015, Twitter confirmed that it does not proactively monitor content and that it reviews
12 only that content which is reported by other users as violating its rules.

13 653. Most technology experts agree that Defendants could and should be doing more to
14 stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe
15 that,” said Hany Farid, chairman of the computer science department at Dartmouth College. Mr.
16 Farid, who co-developed a child pornography tracking system with Microsoft, says that the same
17 technology could be applied to terror content, so long as companies were motivated to do so.
18 “There’s no fundamental technology or engineering limitation,” he said. “This is a business or policy
19 decision. Unless the companies have decided that they just can’t be bothered.”

20 654. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not
21 doing enough. With the technology Twitter has, they can immediately stop these accounts, but they
22 have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”

23 655. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it
24 from springing right back up. According to the New York Times, the Twitter account of the pro-

1 ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut down,
2 it started @TurMedia334. When that was shut down, it started @TurMedia335. This “naming
3 convention — adding one digit to a new account after the last one is suspended — does not seem as
4 if it would require artificial intelligence to spot.” Each of these accounts also used the same user
5 photograph of a bearded man’s face over and over again. In the hours after the shooting attack in
6 San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California, we have
7 already arrived with our soldiers. Decide how to be your end, with knife or bomb.”
8

9 656. Using this simplistic naming scheme is critical to ISIS’s use of social media. Without
10 a common prefix, it would be difficult for followers of ISIS accounts to know the new name of the
11 account.

12 657. Because of the simplistic renaming scheme, Defendants could easily detect names
13 that are likely to be replacement accounts and delete them almost as soon as they are created. Yet
14 Defendants have failed to implement such a basic account detection methodology.
15

16 658. Furthermore, ISIS keeps track of the followers of each account. Once an account is
17 deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact each of its
18 followers asking them to connect. This allows ISIS to reconstitute the connections for each account
19 very quickly. Defendants could easily detect such activity but chose not to.

20 659. Although Defendants proclaim that they do take accounts down including those of
21 ISIS, Defendants do nothing to keep those accounts down. ISIS and other nefarious groups are
22 dependent upon having a social media network from which to collect money and conduct terrorist
23 operations including recruitment and radicalization.
24

25 660. The following example illustrates how Defendants allow ISIS to quickly construct
26 networks of followers. Below is a posting from Twitter captured on June 20, 2016. The individual
27 is named “DriftOne00146” and he proudly proclaims that this is the 146th version of his account.
28

With only 11 tweets, this individual is followed by 349 followers. This is very suspicious activity.

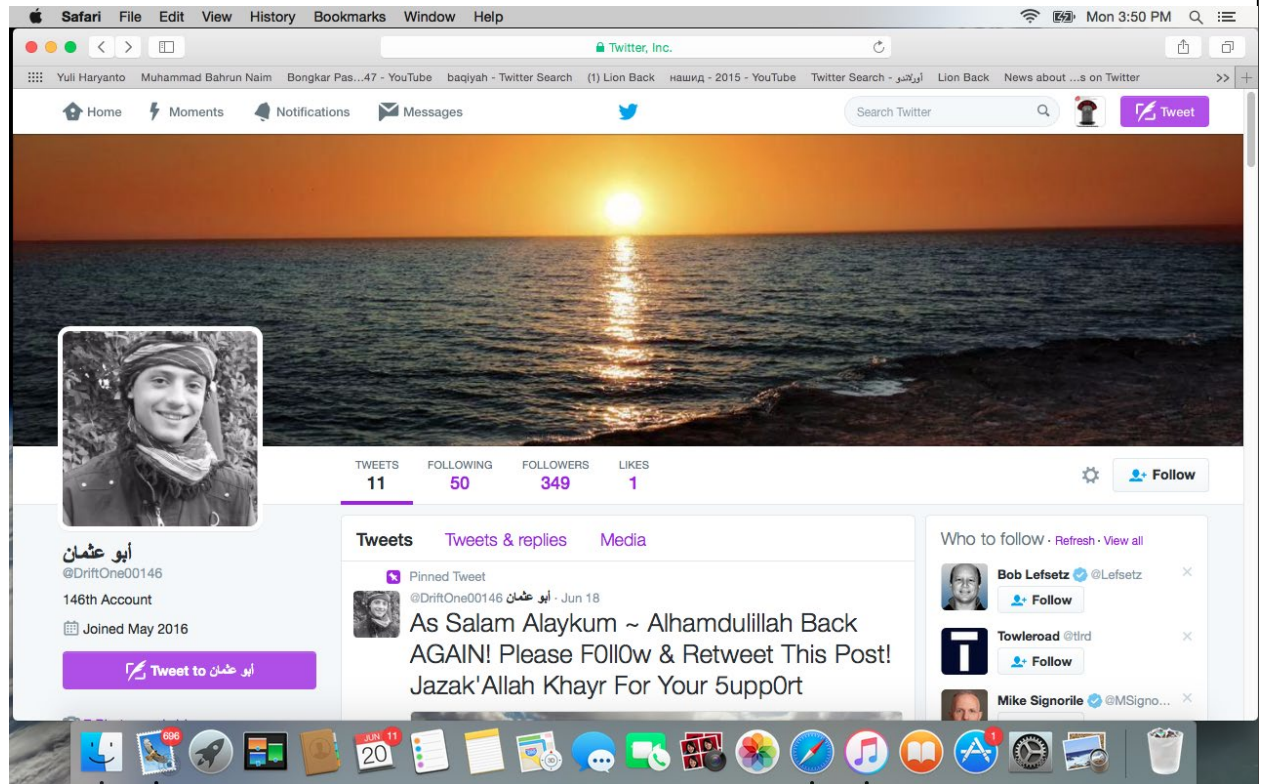


Figure 61 DriftOne00146 posting 06/20/2016

661. The very next day, this individual now has 547 followers with only 3 additional tweets.

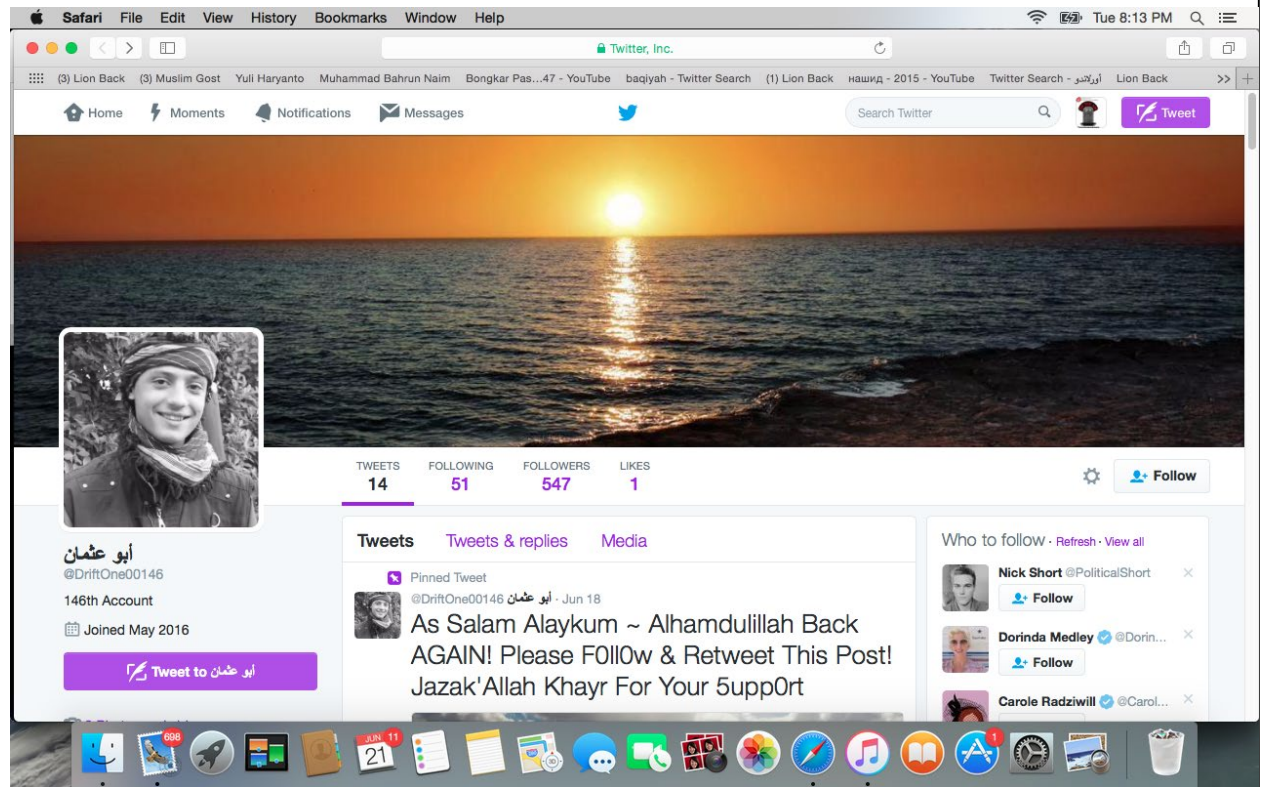


Figure 62 DriftOne00146 posting June 21, 2016

662. The next morning, this individual's account was taken down by Twitter. That afternoon, he was back up as DriftOne0147 with 80 followers.

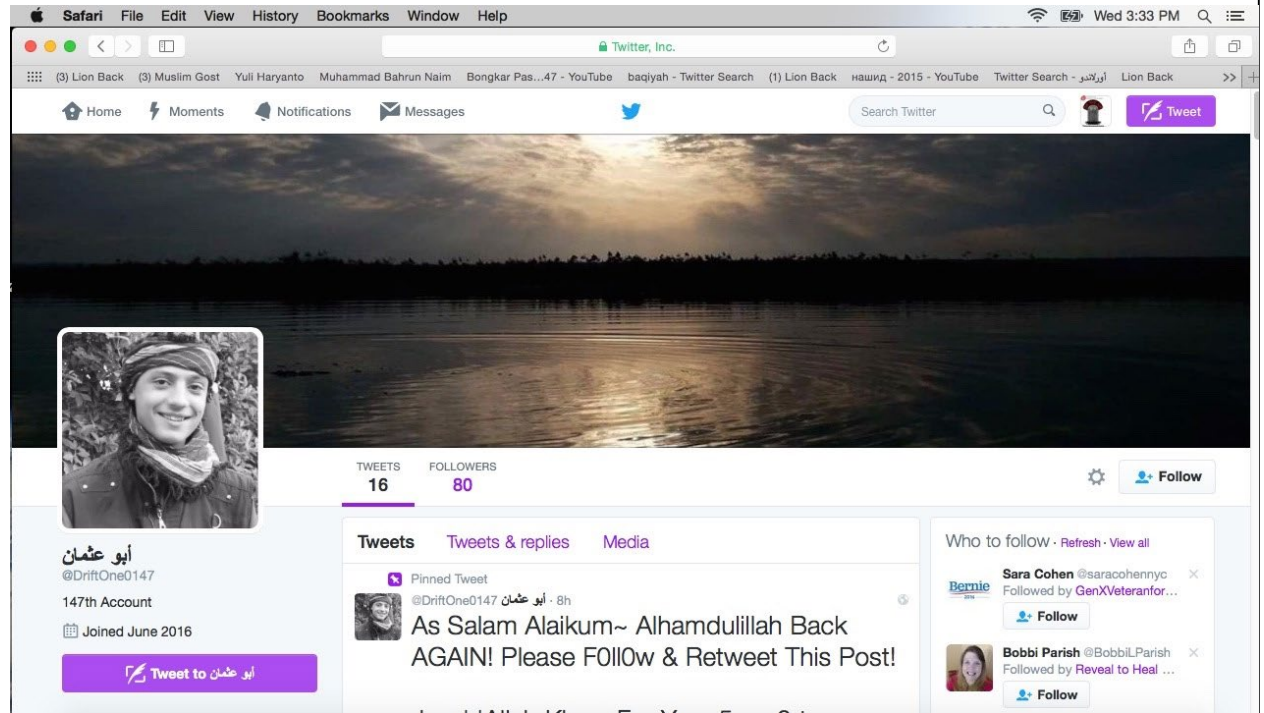


Figure 63 DriftOne0147 posting June 22, 2016

663. The very next week on June 28, 2016, the same individual was back up as DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just three days before the unfortunate ISIS attack in Dhaka, Bangladesh.

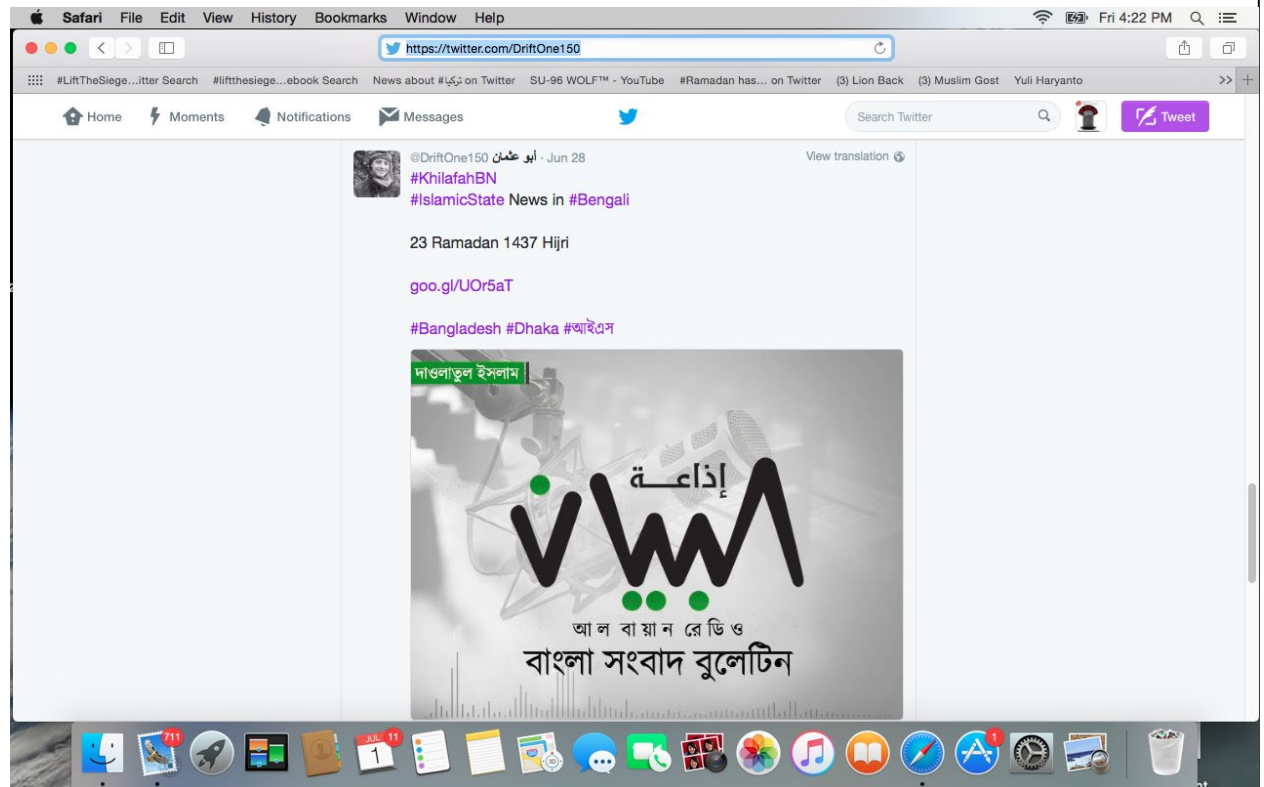


Figure 64 DriftOne150 posting June 28, 2016

664. The day after the attacks, he is now DriftOne0151 and he posts pictures of those individuals who conducted the attacks.

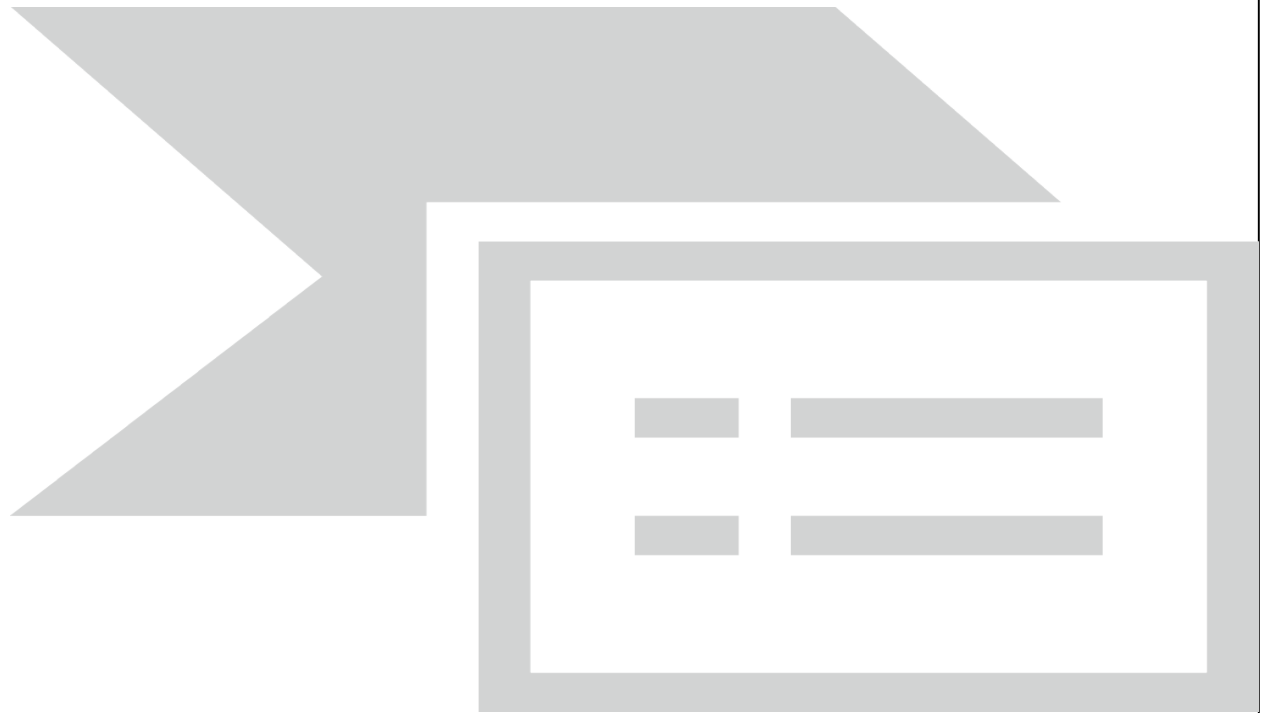


Figure 65 DriftOne0151 posting July 2, 2016

665. What the above example clearly demonstrates is that there is a pattern that is easily detectable without reference to the content. As such, a content-neutral algorithm could be easily developed that would prohibit the above behavior. First, there is a text prefix to the username that contains a numerical suffix. When an account is taken down by a Defendant, assuredly all such names are tracked by Defendants. It would be trivial to detect names that appear to have the same name root with a numerical suffix which is incremented. By limiting the ability to simply create a new account by incrementing a numerical suffix to one which has been deleted, this will disrupt the ability of individuals and organizations from using Defendants networks as an instrument for conducting terrorist operations.

666. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor

1 would it place any “chilling” effect on the use of Defendants’ sites.

2 667. Sending out large numbers of requests to connect with friends/followers from a
3 newly created account is also suspicious activity. As shown in the “DriftOne” example above, it
4 is clear that this individual must be keeping track of those previously connected. When an account
5 is taken down and then re-established, the individual then uses an automated method to send out
6 requests to all those members previously connected. Thus, accounts for ISIS and others can
7 quickly reconstitute after being deleted. Such activity is suspicious on its face.
8

9 668. Clearly, it is not normal activity for a newly created account to send out large
10 numbers of requests for friends and followers immediately after creation. It is further unusual for
11 those connections requests to be accepted in a very short period of time. As such, this activity
12 would be easy to detect and could be prohibited by Defendants in a content-neutral manner as the
13 content is never considered; only the conduct.
14

15 669. Furthermore, limiting the rapidity with which a newly created account can send
16 requests to friends/followers would not place a significant burden on Defendants to implement.
17 Once again, such activity is suspicious and suggestive of reconstitution of an account which was
18 deleted by Defendants. In addition, Defendants could easily track that a newly created account
19 similarly named to one previously taken down is sending out large numbers of requests in a very
20 short period of time.

21 670. Because the suspicious activity used by ISIS and other nefarious organizations
22 engaged in illegal activities is easily detectable and preventable and that Defendants are fully
23 aware that these organizations are using their networks to engage in illegal activity demonstrates
24 that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is
25 dependent on using social media to conduct its terrorist operations. Limiting ISIS’s ability to
26 rapidly connect and reconnect to supports Thus, Defendants knowing and reckless conduct
27

1 provides materials support to ISIS and other nefarious organizations.

2 671. Notably, while Twitter has now put in place a rule that supposedly prohibits
3 “threats of violence . . . including threatening or promoting terrorism,” many ISIS-themed
4 accounts are still easily found on Twitter.com. To this day, Twitter also permits groups designated
5 by the U.S. government as Foreign Terrorist Organizations to maintain official accounts, including
6 Hamas (@hamasinfo and @HamasInfoEn) and Hezbollah (@almanarnews).

7 672. On November 17, 2015, the hacking group Anonymous took down several
8 thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS
9 Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS’s
10 use of Twitter.

11 673. Google has tools by which it can identify, flag, review, and remove ISIS YouTube
12 accounts. However, Google’s review has primarily focused on whether the content posted violates
13 Google’s own “Community Standards,” rather than examine whether the account is being used by
14 or for the benefit of designated terrorist entities and individuals.

15 674. Although YouTube proclaims that it deletes accounts of those who run afoul of its
16 policies, YouTube allows these accounts to be quickly regenerated. This account regeneration
17 leaves signatures which could be easily detected by YouTube in a content independent
18 manner. That YouTube allows ISIS to quickly regenerate deleted accounts when this practice could
19 be eliminated or severely limited provides further evidence that YouTube provides material support
20 to ISIS.

21 675. In August 2016, after a 12-month inquiry on countering extremism that included
22 testimony from Google and other social media company executives, the U.K. House of Commons’
23

1 Home Affairs Committee issued a report titled “Radicalisation: the counter-narrative and identifying
2 the tipping point.” (“U.K. Report”).⁸⁵

3 676. In the 2016 U.K. Report, the Home Affairs Committee found that:

4 “The use of the internet to promote radicalisation and terrorism is one of the
5 greatest threats that countries . . . face.

6 ...

7 Social media companies are consciously failing to combat the use of their
8 sites to promote terrorism and killings. Networks like Facebook, Twitter
9 and YouTube are the vehicle of choice in spreading propaganda and they
10 have become the recruiting platforms for terrorism. They must accept that
11 the hundreds of millions in revenues generated from billions of people using
12 their products needs to be accompanied by a greater sense of responsibility
13 and ownership for the impact that extremist material on their sites is having.
14 There must be a zero tolerance approach to online extremism, including
15 enticement to join extremist groups or commit attacks of terror and any
16 glorification of such activities... These companies are hiding behind their
17 supranational legal status to pass the parcel of responsibility and refusing to
18 act responsibly in case they damage their brands.”⁸⁶

13 **VII. The Paris Attack Was An Act of International Terrorism**

14 677. One of the stated goals of ISIS is to use social media, including Defendants’
15 platforms, to radicalize individuals to conduct attacks throughout the world, including the
16 United States.

17 678. By radicalizing individuals through social media, this allowed ISIS to exert its
18 influence without the necessity of direct physical contact with these individuals.
19 Furthermore, this allows ISIS to incite or participate in attacks without the necessity of
20 sending its own operatives.

21 679. Thus, an attack in Paris to which ISIS’s use of social media caused or contributed
22

23
24
25
26 ⁸⁵ Home Affairs Committee, “Radicalisation: the counter-narrative and identifying the tipping
27 point,” House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

28 ⁸⁶ *Id.* at 11, 13-14 (original in bold).

1 is an action by ISIS. Given that ISIS has been declared an international terrorist
2 organization, such an action is an act of international terrorism.

3 680. The ISIS operatives involved in the Paris Attack were radicalized by ISIS's use of
4 social media. This was the stated goal of ISIS. The ISIS operatives then carried out the
5 deadly attacks in Paris. Conducting terrorist acts via radicalized individuals is a stated goal
6 of ISIS.

7
8 681. The Paris Attackers were ISIS operatives. The Paris Attack was an act of
9 international terrorism as it was direct action by ISIS, a Foreign Terrorist Organization
10 based in Iraq and Syria, in France, the victims of which were from numerous countries,
11 including France and the United States.

12 682. ISIS's attack in Paris was a violent act causing death and injury and constitutes
13 numerous criminal acts under the laws of the United States.

14 683. ISIS intended to intimidate and coerce France's populations and governments
15 through a pattern of intimidation and coercion as discussed throughout Plaintiff's
16 Complaint.
17

18 684. ISIS acts from outside France using Defendants' platforms in a manner that
19 transcends national boundaries because of the international usage of Defendants'
20 platforms.

21 685. But for ISIS's postings using Defendants' social media platforms, the ISIS
22 operatives would not have engaged in ISIS's Paris Attack.

23
24 686. The Paris Attackers' terrorist actions were a direct result of ISIS's actions and given
25 that ISIS is an international terrorist organization, the Paris Attackers' actions were also an
26 act of international terrorism.

27 687. The rise of ISIS has been substantially fueled through ISIS's use of Defendants'
28

1 social media sites which have been used by ISIS for fundraising activities. Furthermore,
 2 as discussed above, Defendant Google shares advertising revenue with ISIS.

3 688. Defendants' sites have been used by ISIS to conduct terrorist operations, including
 4 the Paris Attack and have also been used as a recruitment tool and fundraising tool.

5
 6 689. ISIS uses Defendants' sites to radicalize individuals to conduct terrorist activities.
 7 The Paris Attackers were radicalized by ISIS's use of Defendants' tools to conduct terrorist
 8 operations.

9
 10 690. Even if the Paris Attackers had never been directly in contact with ISIS, ISIS's use
 11 of social media directly influenced their actions on the day of the Paris Attacks:

12 "Researchers, who identified and analyzed second-by-second online records of 196
 13 pro-ISIS groups operating during the first eight months of 2015, found that even
 14 though most of the 108,000-plus individual members of these self-organized
 15 groups probably never met, they had a striking ability to adapt and extend their
 16 online longevity, increase their size and number, reincarnate when shut down —
 17 and inspire "lone wolves" with no history of extremism to carry out horrific
 18 attacks."⁸⁷

19 691. Without the ability to use Defendants' sites as tools to conduct terrorist operations,
 20 ISIS would have substantially less funding, substantially less exposure, and would not be
 21 able to recruit as many operatives.

22 692. Money raised through the use of Defendants sites was used by ISIS to conduct
 23 terrorist operations including radicalizing the Paris Attackers.

24 693. Individuals recruited by ISIS through the use of Defendants' sites allowed ISIS to
 25 conduct terrorist operations, including radicalizing the Paris Attackers, contributing to their

26
 27 ⁸⁷ <http://www.homelandsecuritynewswire.com/dr20160620-tracking-analyzing-how-isis-recruits-through-social-media>

1 decision to launch the Paris Attack and injuring Plaintiff.

2 694. But for ISIS's use of Defendants' sites to raise funds, recruit, and conduct terrorist
 3 operations, ISIS's ability to conduct terrorist operations would essentially evaporate. Here,
 4 had Defendants' sites not been used by ISIS, ISIS would not have been able to radicalize
 5 the Paris Attackers, leading to the deadly attacks in Paris.
 6

7 **CLAIMS FOR RELIEF**

8 **FIRST CLAIM FOR RELIEF**

9 **LIABILITY FOR AIDING AND ABETTING**
 10 **ACTS OF INTERNATIONAL TERRORISM**
 11 **PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

12 695. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs
 13 as if fully set forth herein.

14 696. Since 2004, ISIS has been and continues to be, a designated foreign terrorist
 15 organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

16 697. ISIS has committed, planned, or authorized activities that involved violence or acts
 17 dangerous to human life that are a violation of the criminal laws of the United States, or that would
 18 be a criminal violation if committed within the jurisdiction of the United States, including *inter alia*:
 19

20 A. solicitation to commit a crime of violence as set forth in 18 U.S.C. § 373;

21 B. conspiracy to kill, kidnap, maim, or injure persons or damage property in a
 22 foreign country as set forth in 18 U.S.C. § 956;

23 C. the prohibition on killing, attempting to kill, causing serious bodily injury, or
 24 attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332;
 25
 26
 27
 28

1 D. the prohibition of providing material support or resources (including *inter*
2 *alia* services, training, expert assistance, and personnel) to be used for terrorist activity as
3 set out in 18 U.S.C. § 2339A; and

4 E. the prohibition of providing material support or resources (including *inter*
5 *alia* services, training, expert assistance, and personnel) to a designated foreign terrorist
6 organization as set out in 18 U.S.C. § 2339B.

7 698. These activities committed, planned, or authorized by ISIS appear to have been, and
8 were intended to: (a) intimidate or coerce the civilian populations of France, the United States and
9 other countries; (b) influence the policy of the Government of France, the United States and other
10 countries by intimidation or coercion; or (c) affect the conduct of the Government of France, the
11 United States and other countries by mass destruction, assassination, or kidnapping.

12 699. These activities committed, planned, or authorized by ISIS occurred entirely or
13 primarily outside of the territorial jurisdiction of the United States and constituted acts of
14 international terrorism as defined in 18 U.S.C. § 2331(1).
15

16 700. Plaintiff has been injured in her person by reason of the acts of international terrorism
17 committed, planned, or authorized by ISIS.
18

19 701. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist
20 Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including
21 international terrorism.

22 702. Defendants knowingly provided substantial assistance and encouragement to ISIS,
23 and thus aided and abetted ISIS in committing, planning, or authorizing acts of international
24 terrorism, including the acts of international terrorism that injured Plaintiff.
25

26 703. By aiding and abetting ISIS in committing, planning, or authorizing acts of
27 international terrorism, including acts that caused Plaintiff to be injured in her person and property,
28

1 Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that
2 Plaintiff has sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

3 **SECOND CLAIM FOR RELIEF**

4 **LIABILITY FOR CONSPIRING IN FURTHERANCE OF**
5 **ACTS OF INTERNATIONAL TERRORISM**
6 **PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

7 704. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs
8 as if fully set forth herein.

9 705. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to
10 register and use Defendants' sites and other services to promote and carry out ISIS's activities,
11 including ISIS's illegal acts of international terrorism that injured Plaintiff.

12 706. Defendants were aware that U.S. federal law prohibited providing material support
13 and resources to, or engaging in transactions with, designated foreign terrorist organizations and
14 other specially designated terrorists.

15 707. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and
16 equipment to promote and carry out ISIS's illegal acts of international terrorism, including the acts
17 that injured Plaintiff.

18 708. By conspiring with ISIS in furtherance of ISIS's committing, planning, or
19 authorizing acts of international terrorism, including acts that caused Plaintiff to be injured in her
20 person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any
21 and all damages that Plaintiff has sustained as a result of such injuries, and the costs of this suit,
22 including attorney's fees.
23

24 **THIRD CLAIM FOR RELIEF**

25 **PROVISION OF MATERIAL SUPPORT TO TERRORISTS**
26 **IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333**
27

1 709. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs
2 as if fully set forth herein.

3 710. The online social media platform and communication services which Defendants
4 knowingly provided to ISIS, including the use of Defendants' services, computers, and
5 communications equipment, substantially assisted ISIS in carrying out its terrorist activities,
6 including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying
7 out attacks, among other things.

8 711. Through their actions, Defendants have also provided personnel to ISIS by making
9 ISIS leaders, members, and potential new recruits available to each other and to ISIS.
10

11 712. These services, equipment, and personnel constituted material support and resources
12 pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. §
13 2332 that caused the injuries to Plaintiff.

14 713. Defendants provided these services, equipment, and personnel to ISIS, knowing that
15 they were to be used in preparation for, or in carrying out, criminal acts including the acts that
16 injured the Plaintiff.
17

18 714. As set forth more fully above, but for the material support and resources provided by
19 Defendants, the attack that injured the Plaintiff would have been substantially more difficult to
20 implement.

21 715. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiff to be
22 injured in her person, business or property, Defendants are liable pursuant to 18 U.S.C. § 2333 for
23 any and all damages that Plaintiff has sustained as a result of such injuries.
24

25 **FOURTH CLAIM FOR RELIEF**

26 **PROVISION OF MATERIAL SUPPORT AND RESOURCES**
27 **TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION**
28 **IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)**

717. By knowingly (or with willful blindness) providing their social media platforms and communication services, including use of computer and communications equipment, and personnel, for the benefit of ISIS, Defendants have provided material support and resources to a designated Foreign Terrorist Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

719. Defendants knew (or were willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

721. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to Plaintiff described herein.

722. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to Plaintiff for her injuries pursuant to 18 U.S.C. § 2333(a).

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

724. Defendants engaged in negligent behavior by providing services to ISIS.

725. Defendants' acts of providing services to ISIS constituted a willful violation of federal statutes, and thus amounted to a willful violation of a statutory standard.

726. As a direct, foreseeable and proximate result of the conduct of Defendants as alleged hereinabove, Plaintiff has suffered severe emotional distress, and therefore Defendants are liable to the Plaintiff for Plaintiff's severe emotional distress and related damages.

SIXTH CLAIM FOR RELIEF

CONCEALMENT OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339C(c) AND 18 U.S.C. § 2333(a)

727. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

728. By knowingly concealing or disguising the nature, location, source, ownership, or control of material support or resources, knowing that the material support or resources were provided to ISIS in violation of 18 U.S.C. § 2339B, Defendants violated 18 U.S.C. § 2339C(c).

729. By concealing such material support and resources, Defendants enabled and prolonged ISIS's use of such material support and resources to carry out terrorist activities, including the acts of international terrorism that injured Plaintiff.

730. Defendants' violation of 18 U.S.C. § 2339C(c) proximately caused the injuries to Plaintiff described herein.

731. By knowingly concealing material support or resources as described herein, Defendants are therefore civilly liable for damages to Plaintiff for her injuries pursuant to 18 U.S.C. § 2333(a).

SEVENTH CLAIM FOR RELIEF

PROVISION OF FUNDS, GOODS, OR SERVICES TO OR FOR THE BENEFIT OF SPECIALLY DESIGNATED GLOBAL TERRORISTS

IN VIOLATION OF EXECUTIVE ORDER NO. 13224, 31 C.F.R. Part 594, 50 U.S.C. § 1705, AND 18 U.S.C. § 2333(a)

732. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.

733. Defendants knowingly and willfully engaged in transactions with, and provided funds, goods, or services to or for the benefit of, Specially Designated Global Terrorists (“SDGTs”), including ISIS, its leaders, and members, in violation of EO 13224, 31 C.F.R. Part 594, and 50 U.S.C. § 1705.

734. The actions of Defendants constituted acts of international terrorism as defined in 18 U.S.C. § 2331, and proximately caused Plaintiff’s injuries.

735. Defendants are liable pursuant to 18 U.S.C. § 2333(a) for any and all damages that Plaintiff has sustained as a result of such injuries.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court:

(a) Enter judgment against Defendants and in favor of Plaintiff for compensatory damages in amounts to be determined at trial;

(b) Enter judgment against Defendants and in favor of Plaintiff for treble damages pursuant to 18 U.S.C. § 2333;

(c) Enter judgment against Defendants and in favor of Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys’ fees, pursuant to 18 U.S.C. § 2333;

(d) Enter an Order declaring that Defendants have violated, and are continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and

(e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: October 8, 2018.

Excolo Law, PLLC

by: /s/ Keith Altman
Keith Altman

Keith Altman (SBN 257309)
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VERIFICATION

I, the undersigned, certify and declare that I have read the foregoing complaint, and know its contents.

I am the attorney for Plaintiff to this action. Such parties are absent from the county where I have my office and is unable to verify the document described above. For that reason, I am making

1 this verification for and on behalf of the Plaintiff. I am informed and believe on that ground allege
2 the matters stated in said document are true.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing
4 is true and correct.

5 Executed on October 8, 2018 at Southfield, MI.

6
7 Respectfully Submitted,

8 **EXCOLO LAW, PLLC**

9 By: /s Keith Altman
10 Attorney for Plaintiffs

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